Iowa Department of Natural Resources
Environmental Protection Commission

ITEM 7 **Decision**

TOPIC **Adopted and Filed – Amendments to Wastewater Rules, including Chapters 60, 62, 63, and 64**

The attached adopted and filed rule for changes to Chapter 60 "Scope of Title – Definitions – Forms – Rules of Practice", Chapter 62 "Effluent and Pretreatment Standards: Other Effluent Limits or Prohibitions", Chapter 63 "Monitoring, Analytical, and Reporting Requirements", and Chapter 64 "Wastewater Construction and Operation Permits" is being presented to the Environmental Protection Commission for decision. The final amendments to these chapters will update the wastewater rules to meet requirements in the Code of Federal Regulations, reflect changes in technology and water quality standards, and include language from the department's Policy Implementation Guidance (PIG) documents.

The Notice of Intended Action (NOIA) was published in the Iowa Administrative Bulletin on September 10, 2008 as **ARC 7152B**. Three public hearings were held throughout the state with notice of the hearings sent to various individuals, organizations, and associations, and to statewide news network organizations. Comments were received from one hundred seventy persons and organizations. A responsiveness summary addressing the comments can be obtained from the Department of Natural Resources.

The ARRC requested that the Department perform an Informal Regulatory Analysis of the final amendments at their October 14, 2008 meeting. The Informal Regulatory Analysis was presented to the ARRC at their December 10, 2008 meeting. The adopted amendments have been modified from those published under the NOIA based on the comments received during the public comment period and additional input received from stakeholders on the Informal Regulatory Analysis. The modifications to the final amendments will add or remove minor phrases for clarification purposes, change the definition and requirements for bypasses, reduce the monitoring requirements, and remove the language on substantial compliance.

The following is a summary of the final amendments to the rules:

Chapter 60
- Add definitions and new permit application forms
- Clarify language concerning permit applications

Chapter 62
- Clarify the procedure for calculating 30-day average percent removal
- Include language allowing the use of TMDLs to derive permit limits
- Add language on effluent reuse

Chapter 63
- Replace the language on bypasses
- Update monitoring requirements for all NPDES permits

- Remove the monitoring table for inorganic waste discharges and replace it with a rule-referenced document

Chapter 64

- Add two classes of facilities that will be exempted from obtaining operation permits
- Clarify the language regarding the issuance and denial of operation and NPDES permits
- Clarify the public notice requirements for NPDES permits
- Add language on public requests to amend, revoke and reissue, or terminate permits

The rules will become effective on April 15, 2009.

Charles C. Corell, Chief
Water Quality Bureau
Environmental Services Division
January 26, 2009

ENVIRONMENTAL PROTECTION COMMISSION [567]
Adopted and Filed

Pursuant to Iowa Code section 455B.173(3), the Commission is required to establish, modify, or repeal rules relating to the location, construction, operation, and maintenance of disposal systems. Iowa Code section 455B.173(3) specifies the conditions under which the Director shall issue, revoke, suspend, modify, or deny permits for the operation, installation, construction, addition to, or modification of any disposal system, or for the discharge of any pollutant. The final amendments fulfill the Commission's and the Department's requirements pursuant to section 455B.173(3).

The Notice of Intended Action (NOIA) was published in the Iowa Administrative Bulletin on September 10, 2008 as **ARC 7152B**. Three public hearings were held throughout the state with notice of the hearings sent to various individuals, organizations, and associations, and to statewide news network organizations. Comments were received from one hundred seventy persons and organizations. A responsiveness summary addressing the comments can be obtained from the Department of Natural Resources.

The final amendments are modified from those published in the NOIA based on the comments received during the public comment period and additional input received from stakeholders on the Informal Regulatory Analysis. The modifications to the final amendments will add or remove minor phrases for clarification purposes, change the definition and requirements for bypasses, reduce the monitoring requirements, and remove the language on substantial compliance. The following summary describes the final amendments and the changes in the rules between the NOIA and the final amendments. It does not detail all of the final amendments, but highlights the amendments that will have the most impact on wastewater treatment facilities and the State of Iowa and the amendments that have changed from the NOIA.

1. Chapter 60

The final amendments to Chapter 60 include the addition of several definitions, the addition of newer permit application forms, and clarification of the language concerning permit applications and permit amendments. Several definitions are being addition to Chapter 60. The terms are from either the Code of Federal Regulations, Iowa Code section 455B.171, the Wastewater Design Standards, other Administrative Code chapters, or as suggested by NPDES permit writers. The new definitions are being added to Chapter 60 because the terms are used in one or more of 567—Chapters 60 to 69.

Four changes have been made to the definitions for Chapter 60 as published in the NOIA. First, the definition of bypass has changed and the definition of Sanitary Sewer Overflows has been removed based on stakeholder comments. The bypass definition in the final amendments provides clarification on what is considered to be a bypass, but is not more stringent than the Code of Federal Regulations. Second, the terms "high quality resource waters" and "high quality waters" will be removed from Chapter 60; these terms are already defined in 567 IAC Chapter 61. Third, the language "made with the consent of the permittee" is included in the definition for a minor permit amendment. This language is from the Code of Federal Regulations and has been included to comply with federal regulations. Fourth, the language "or contribute to" has been removed from the definition of pass through at the request of stakeholders and in order to comply with the definition of pass through in the Code of Federal Regulations.

The newer permit application forms are added to Chapter 60 in the final amendments in order to make the list of permit application forms complete. The final amendments clarify the application requirements for NPDES and operation permits by including a description of a

complete permit application, when a permit application is due, the procedure for addressing incomplete applications, how to submit a permit amendment request, and how to request a variance from monitoring requirements in a permit. Three changes have been made to the language concerning permit applications in the final amendments. For completeness, additional forms and form numbers have been added to the list of application forms proposed in the NOIA. For clarification purposes, the phrase "in the case of existing discharges" has been added to the last sentence of the subrule discussing incomplete permit applications. At the suggestion of the commentors, the sentence "for a POTW, permission to submit an application at a later date may be granted by the director" has been added to the subrule discussing complete permit applications, as required by the Code of Federal Regulations. This sentence has also been added to the corresponding application language in Chapter 64.8.

An additional minor change has been made to the language concerning permit amendments. At the request of the commentors, the language concerning the request to amend a compliance schedule will remain the same. The department proposed in the NOIA to require the submittal of such a request at least 60 days in advance, but the final amendments will use the current rule language that indicates a request to amend a compliance schedule must be made at least 30 days in advance.

2. Chapter 62

The final amendments to Chapter 62 include language on prohibited discharges, on the derivation of effluent limits in permits using Total Maximum Daily Load (TMDL) allocations, on the reuse of treated effluent, and on the calculation of the 30-day average percent removal of five-day Carbonaceous Biochemical Oxygen Demand ($CBOD_5$). The language on prohibited discharges is taken from the Code of Federal Regulations which lists pollutants that cannot be discharged to public or private domestic sewage treatment works. The final amendment on the reuse of treated final effluent is taken from a department policy document and clarifies the requirements for the reuse of treated effluent for irrigation of golf courses. The only change from the NOIA in the final amendments to Chapter 62 is the deletion of a phrase for clarification purposes in the subrule on the reuse of treated effluent.

Chapter 62 currently states that effluent limitations in permits shall be determined using the calculated wasteload allocations. The language on the derivation of effluent limits does not include a reference to TMDLs. The Code of Federal Regulations requires states to implement TMDLs through NPDES permits for point-source discharges, so the final amendments to Chapter 62 include language on using approved TMDLs to establish permit limits.

The final amendments on the calculation of the 30-day average percent removal for secondary treatment clarifies how to calculate the percent removal based on the monitoring in the final amendment of Chapter 63. One of the final monitoring changes to Chapter 63 requires domestic treatment facilities to measure five-day Biochemical Oxygen Demand (BOD_5) in raw wastewater and $CBOD_5$ in effluent wastewater. BOD_5 is an appropriate measure of raw wastewater strength and is useful for the future design of wastewater treatment plants. $CBOD_5$ is an appropriate measure of effluent wastewater strength and is currently used in NPDES permits. The federal secondary treatment standards require that the 30-day average percent removal of either BOD_5 or $CBOD_5$ in wastewater is not less than 85 percent. As the final amendments in Chapter 63 requires monitoring of both BOD_5 and $CBOD_5$, it is necessary to specify how the percent removal shall be calculated. The final amendments will add a description of the 85 percent removal calculation to the secondary effluent limits listed in Chapter 62.

3. Chapter 63

The final amendments to Chapter 63 replace the language on bypasses and upsets, updates monitoring requirements for all NPDES permits by adding new monitoring, and rescinds the monitoring table for inorganic waste discharges (Table V) and replaces it with a rule-referenced document.

The bypass language in the final amendments has been changed from that in the NOIA. The bypass language in the final rule no longer includes references to Sanitary Sewer Overflows, as U.S. EPA has not yet modified the Code of Federal Regulations to specifically discuss Sanitary Sewer Overflows. Several other small changes have been made to the bypass language in final amendments based on stakeholder comments. The language on anticipated bypasses has been modified to allow for notification 10 days ahead of the anticipated bypass rather than two weeks. The unanticipated bypass or upset notification language no longer includes the statement that notification by voicemail is unacceptable. The language has been changed to indicate that required additional monitoring, sampling, and analysis is of a bypass or upset only. The bypass language was also modified to require only the submission of additional information concerning steps taken to minimize the effect of a bypass, rather than any information on bypass.

The DNR, after discussions with stakeholders and a thorough review of the federal regulations, has decided to propose the adoption of bypass requirements that provide more detail than the federal regulations regarding reporting, public notice, monitoring, and cleanup of bypasses. These requirements will not impose significant additional costs to regulated entities.

The bypass requirements in the final rule concerning requests for anticipated bypasses provide more clarity than the federal regulations. The federal regulations require submittal of prior notice of an anticipated bypass, but do not describe what "prior notice" consists of. The requirements in the final rule for an anticipated bypass set out what information should be included in a written request for an anticipated bypass. The requirements concerning the written request ("prior notice") are necessary to clarify what a regulated entity must do in the case of an anticipated bypass. The anticipated costs of this change will include the operator time to prepare and submit the written request and the postage to mail the request to the DNR. These costs are negligible, as anticipated bypasses occur only rarely.

The public notice requirements in the final rule for bypasses add additional detail not present in the federal requirements. The DNR believes that the public and downstream users should be informed when a bypass has occurred. The language in the final rule allows the DNR to determine when public notice is necessary, thus many small or precipitation-related bypasses will not require public notice. The anticipated costs of this change will include the operator time to prepare the notice and the cost of publishing the notice. The costs to regulated entities of this final amendment cannot be quantified, as the occurrence of bypasses that could require public notice cannot be predicted with any certainty.

The requirements in the final rule that describe the required written reports for unanticipated bypasses complies with the section of the federal rules which requires a written submission concerning the circumstances of noncompliance which may endanger human heath or the environment. A different section of the Code of Federal Regulations requires a written submission only for bypasses which exceed any effluent limitation, and the final rule requires a written submission for all bypasses, whether or not they exceed effluent limitations in the permit. Written reports are required for all bypasses in the final rule because either bypasses occurring in the collection system will not have any effluent limitations or it will be unknown whether there is an exceedance of an effluent limitation. In order for the DNR to adequately address problems created by bypasses, it is important to have a detailed description of all bypasses that may pose a risk to human heath or the environment, whether or not the bypass has exceeded an effluent limitation in the permit. The anticipated costs of this change will include the operator time to

prepare and submit the written report with the required monthly operation reports. These costs will be negligible, as facilities already report bypasses on their monthly operation reports.

The bypass and upset requirements in the final rule on additional monitoring, sampling, or analysis of a bypass or upset require additional steps beyond the federal regulations. Additional monitoring, sampling, or analysis of a bypass or upset is necessary to determine the effect of the bypass or upset upon human heath and the environment. Without sampling data, it is only possible to guess at the effect of a bypass or upset. When the effects of a bypass could be detrimental to human heath or the environment, additional disinfection and cleanup is warranted. The cleanup and disinfection requirements in the final rule will ensure that bypasses are dealt with appropriately. The anticipated costs of this change will include the sampling costs and the operator time to take and record samples of a bypass or upset and the disinfection costs and operator time to disinfect or cleanup a bypass. The costs to regulated entities of this change cannot be quantified, as bypasses and upsets cannot be predicted with any certainty and any sampling, disinfection, or cleanup that may be required will be different for different bypasses and upsets.

When additional monitoring, sampling, or analysis is required to determine the effects of a bypass or upset, such analyses need to be submitted to the DNR. The anticipated costs of this change will include the postage to mail the sample data to the DNR. Regulated entities will incur little, if any, costs from the additional data submittal in the final rule.

The current monitoring requirements in Chapter 63 have not been updated in more than 20 years. The final amendments update the minimum monitoring requirements for organic waste dischargers by increasing some of the current requirements and by adding new parameters. The increase in the current monitoring allows for better operational control and compliance monitoring, thereby ensuring that all facilities will meet permit requirements and are properly operated. The new monitoring for Total Nitrogen (TN), Total Phosphorus (TP), and Total Kjeldahl Nitrogen (TKN) gives the facilities and the Department needed information on the nutrient levels coming from dischargers of organic wastes. Effluent limits for TN, TP, and TKN are not included in permits at this time. The data from the new monitoring will assist the Department in the development of nutrient standards and TMDLs and will help ensure that appropriate limits are placed in TMDLs for point source dischargers.

The monitoring tables in the final amendments have been significantly changed from those in the NOIA. The changes were made due to stakeholder comments and to reduce the impact of new monitoring requirements on small wastewater facilities. In Table I for Controlled Discharge Lagoons (CDLs), four changes were made. First, the requirement to monitor TN and TP has been removed for all CDLs. In conjunction with the removal of TN and TP monitoring, the TN and TP superscript has been moved to Table II for continuously discharging facilities. Second, all of the sample frequencies for CDLs have been changed to per drawdown rather than per week or month in order to clarify when effluent sampling is required. Third, the sampling frequency for *e.coli* monitoring for the CDLs with a Population Equivalent (PE) greater than 100 has been changed from once every two weeks to twice per drawdown, so that *e.coli* sampling frequencies will be similar to the sampling frequencies for other parameters. Fourth, with the exception of one cell CDLs, the monitoring frequencies for the parameters in the less than 100 PE category have been reduced to match the current rules. The monitoring for two and three cell CDLs with a PE of less than 100 will not increase in the final amendments. For one cell lagoons with a PE of less than 100, a superscript has been added to indicate that the sampling frequencies for Total Suspended Solids (TSS) and Carbonated Biochemical Oxygen Demand ($CBOD_5$) will be twice per drawdown, to allow for better operational control and compliance monitoring of one-cell lagoons as these lagoons do not meet the current wastewater design standards.

In the final amendments, the two tables that were proposed in the NOIA for continuously discharging facilities (Tables II and III) have been combined into one table (Table II). The table in the final amendments is similar to the current Table II in Chapter 63. Six changes have been made to Tables II and III from the NOIA. First, as noted above, the tables were combined. This combination is an effect of the next five changes, which resulted in identical monitoring for all types of continuously discharging facilities. Second, the TN and TP requirements were changed. TN and TP monitoring was removed for facilities with a PE of less than 1000. In addition, the TN, TP and TKN monitoring was reduced by half for the facilities with a PE of greater than 1000. The language in the new TN and TP superscript that was moved from Table I was also modified to discuss TN analysis and TN and TP reporting in more detail.

Third, a superscript was added to Table II that states ammonia nitrogen monitoring is only required for facilities with ammonia nitrogen limits. This superscript is the same as an existing superscript in Table II of Chapter 63. Fourth, the monitoring frequencies for most of the parameters in the less than 100 and 100 to 500 PE categories were reduced to the levels in the current Table II of Chapter 63. This change was made to reduce the impact of new monitoring requirements on small wastewater facilities. The frequency of the monitoring for ammonia nitrogen and *e.coli* for the less than 100 and 101 to 500 PE categories was not reduced, due to the monthly ammonia limits and *e.coli* geometric mean required by 567 IAC Chapter 61 (Water Quality Standards). Fifth, the monitoring frequencies for all of the parameters in the 501 to 1000 PE category, with the exceptions of TSS and *e.coli*, was reduced to the levels in the current Table II of Chapter 63. The monitoring frequency for TSS is higher than the current Table II in order to provide better operational control and compliance monitoring, and the *e.coli* monitoring frequency must comply with the Water Quality Standards. Sixth, the TSS monitoring for the facilities with a PE between 1000 and 15,000 has decreased from that in the NOIA.

The changes to the monitoring tables in the final amendments result in less cost from the new monitoring for small communities and semi-public facilities (mobile home parks, campground, etc). The continuing costs to the small facilities are due to the *e.coli* and influent wastewater sampling requirements. These requirements have not been removed from the final amendments, as they are necessary to ensure that these facilities meet Water Quality Standards and comply with the Federal Code of Regulations.

The minimum monitoring table in Chapter 63 for inorganic waste dischargers does not include monitoring requirements for several types of industrial dischargers. Due to the complexity of inorganic wastes and the diversity in industrial discharges, the development of a single table to cover all inorganic waste discharges is impractical. Thus, the final amendments replace Table V with a rule-referenced document rather than a single table. The rule-referenced document "Supporting Document for Permit Monitoring Frequency Determination" as published in the NOIA will replace Table V in Chapter 63. The new document quantifies the factors requiring additional monitoring in rule 567—63.3(455B) and sets out a procedure for the derivation of monitoring requirements. The final rule-referenced document clarifies the procedure used to develop monitoring requirements for all industrial dischargers and describes how to determine the monitoring requirements for the large number of industrial discharges that are not covered by existing Table 5.

At the suggestion of the commentors, subrule 63.9 has been modified from the NOIA to include a phrase that specifies that the additional monitoring required to be included in the calculation and reporting of data shall be "performed at the compliance monitoring point and analyzed according to 40 CFR Part 136." This phrase was added to clarify the proposed language.

4. Chapter 64

The final amendments for Chapter 64 adds two classes of facilities that will be exempted from obtaining operation permits; clarifies the language regarding the issuance and denial of operation and NPDES permits; clarifies the public notice requirements for NPDES permits; and adds language on public requests to amend, revoke and reissue, or terminate permits.

Chapter 64 currently includes nine types of facilities and discharges that are exempted from obtaining operation and NPDES permits. The final amendments add exemptions for privately owned geothermal heat pumps that do not discharge to a navigable water and pretreatment systems discharging to another disposal system. The current language in Chapter 64 is not descriptive of when, how, and under what circumstances operation and NPDES permits may be drafted, issued, or denied. The final amendments differentiate, specify the procedures, and specify the permit rationale requirements for each occurrence. The public notice requirements for NPDES permits are expanded in the final amendments to include language on the public notice of public hearings and the responses to comments.

The current rules allow for the amendment, revocation and reissuance, and termination of permits only under certain conditions. The final amendments expand the existing language to incorporate the other conditions for permit changes from both existing practice and federal regulations and include language from the Code of Federal Regulations that allows interested persons to submit requests to the Department for the amendment, revocation and reissuance, and termination of permits. Previously, only permittees were allowed to submit such requests. The final amendments allow interested persons to submit such requests for cause and allow the Director to act upon such requests by denying, amending, reissuing, or terminating permits.

Four changes have been made to Chapter 64 as published in the NOIA. First, the language on substantial compliance was removed from the final amendments. Permits currently may not be reissued if permittees have not substantially complied with permit conditions. The amendments proposed in the NOIA clarified substantial compliance, because current rule language does not specify what constitutes substantial compliance with permit conditions. The final amendments to Chapter 64 will not include the NOIA language on substantial compliance because the department is considering altering the language concerning permit reissuance. When a final decision is made on how to factor substantial compliance into the permit reissuance process, Chapter 64 will be revisited.

Second, language has been added to the operation permit exemption for a private sewage disposal systems to reflect the newly adopted changes to 567 IAC Chapter 69. Third, a phrase has been added to the language that set forth the permit as a shield provision in the NOIA. The NOIA language stated that compliance with a permit is compliance with certain provisions of federal law, and the language was modified to include a statement that compliance with a permit is also compliance with certain provisions of state law. This change was based on stakeholder comments. Fourth, a phrase that had been proposed in two locations was removed in one location so there will not be duplicate rules.

Additional information on Iowa's Water Quality Standards and the Department's rules can be found on the Department's Web site at http://www.iowadnr.gov/water/npdes/rulemaking.html.

These amendments may have an impact upon small businesses.

These amendments are intended to implement Iowa Code sections 455B.173, 455B.197 and 455B.105(11), and will become effective April 15, 2009.

The following amendments are adopted.

ITEM 1. Amend rule 567—60.1(455B,17A) as follows:

567—60.1(455B,17A) Scope of title. The department has jurisdiction over the surface and

groundwater of the state to prevent, abate and control water pollution, by establishing standards for water quality and for direct or indirect discharges of wastewater to waters of the state and by regulating potential sources of water pollution through a system of general rules or specific permits. The construction and operation of any wastewater disposal system and the discharge of any pollutant to a water of the state requires a specific permit from the department, unless exempted by the department.

This chapter provides general definitions applicable in this title and rules of practice, including forms, applicable to the public in the department's administration of the subject matter of this title.

Chapter 61 contains the water quality standards of the state, including classification of surface waters. Chapter 62 contains the standards or methods for establishing standards relevant to the discharge of pollutants to waters of the state. Chapter 63 identifies monitoring, analytical and reporting requirements pertaining to permits for the operation of wastewater disposal systems. Chapter 64 contains the standards and procedures for obtaining construction, operation and ~~discharge~~ NPDES permits for wastewater disposal systems other than those associated with animal-feeding operations. Chapter 65 specifies minimum waste control requirements and permit requirements for animal-feeding operations. Chapter 66 specifies restrictions on pesticide application to waters. Chapter 67 contains standards for the land application of sewage sludge. Chapter 68 contains standards and licensing requirements applicable to commercial septic tank cleaners. Chapter 69 specifies guidelines for private sewage disposal systems.

ITEM 2. Adopt the following **new** definitions in rule **567—60.2(455B)**:

"*Application for a construction permit*" means the engineering report, plans and specifications and other data deemed necessary by the department for the construction of a proposed wastewater disposal system or part thereof.

"*Application for an operation permit*" means a written application for an operation or NPDES permit made on forms provided by the department.

"*Approved pretreatment program*" means a program administered by a publicly owned treatment works that meets the criteria established in 40 CFR Part 403 and which has been approved by the director.

"*Average dry weather flow*" or "*ADW*" means the daily average flow when the groundwater is at or near normal and runoff is not occurring.

"*Average wet weather flow*" or "*AWW*" means the daily average flow for the wettest 30 consecutive days for mechanical plants or for the wettest 180 consecutive days for controlled discharge lagoons.

"*Bypass*" means the diversion of waste streams from any portion of a treatment facility or collection system. A bypass does not include internal operational waste stream diversions that are part of the design of the treatment facility, maintenance diversions where redundancy is provided, diversions of wastewater from one point in a collection system to another point in a collection system, or wastewater backups into buildings that are caused in the building lateral or private sewer line.

"*Combined sewer overflow*" means the discharge from a combined sewer system at a point prior to the treatment works.

"*Combined sewer system*" means a wastewater collection system owned by a municipality which conveys sanitary wastewater (domestic, commercial, and industrial) and storm water through a single pipe system to the treatment plant.

"*Construction permit*" means a written approval from the director to construct a wastewater

disposal system or part thereof in accordance with the plans and specifications approved by the department.

"*Discharge of a pollutant"* means any addition of any pollutant or combination of pollutants to navigable waters or waters of the state from any point source. "Discharge of a pollutant" includes additions of pollutants into navigable waters or waters of the state from surface runoff which is collected or channeled by human activity; discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. "Discharge of a pollutant" does not include an addition of pollutants by any indirect discharger.

"*Disposal system"* means a system for disposing of sewage, industrial waste, or other wastes, or for the use or disposal of sewage sludge. "Disposal system" includes sewer systems, treatment works, point sources, dispersal systems, and any systems designed for the usage or disposal of sewage sludge.

"*Indirect discharger"* means a non-domestic discharger introducing pollutants to a publicly owned treatment works.

"*Industrial waste"* means any liquid, gaseous, radioactive, or solid waste substance resulting from any process of industry, manufacturing, trade, or business, or from the development of any natural resource.

"*Interference"* means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

1. Inhibits or disrupts a POTW, its treatment process or operations, or its sludge processes, use or disposal; and
2. Is a cause of a violation of any requirement of a POTW NPDES permit including an increase in the magnitude or duration of a violation or the prevention of sewage sludge use or disposal.

"*Major permit amendment"* or *"major modification"* means a permit modification that is not a minor permit amendment as defined in this rule.

"*Maximum wet weather flow"* or *"MWW"* means the total maximum flow received during any 24-hour period when the groundwater is high and runoff is occurring.

"*Minor permit amendment"* or *"minor modification"* means a permit modification made with the consent of the permittee that occurs as a result of any of the following:

1. Correction of a typographical error;
2. Modification of the monitoring and reporting requirements in the permit to include more frequent monitoring or reporting;
3. Revision of an interim date in a compliance schedule, provided that the new date is not more than 120 days after the date specified in the permit and does not interfere with the attainment of the final compliance date;
4. Change in facility name or ownership;
5. Deletion of a point source outfall that does not result in the discharge of pollutants from other outfalls; or
6. Incorporation of an approved local pretreatment program.

"New source" means any building, structure, facility or installation from which there is or may be a discharge of pollutants to a navigable water, the construction of which commenced after the promulgation of standards of performance under Section 306 of the Act which are applicable to such source, provided that:

1. The building, structure, facility or installation is constructed at a site at which no other source is located; the building, structure, facility or installation totally replaces the process or

production equipment that causes the discharge of pollutants at an existing source; or the production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors, such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraph "1" but otherwise alters, replaces, or adds to existing process or production equipment.

3. Construction of a new source as defined pursuant to this rule has commenced if the owner or operator has:

- Begun, or caused to begin, as part of a continuous on-site construction program, any placement, assembly, or installation of facilities or equipment; or significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
- Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in the operation of the new source within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

"*Operation permit"* means a written permit by the director authorizing the operation of a wastewater disposal system or part thereof or discharge source and, if applicable, the discharge of wastes from the disposal system or part thereof or discharge source to waters of the state. An NPDES permit will constitute the operation permit in cases where there is a discharge to a water of the United States and an NPDES permit is required by the Act.

"*Other waste"* means heat, garbage, municipal refuse, lime, sand, ashes, offal, oil, tar, chemicals, and all other wastes which are not sewage or industrial waste.

"*Pass through"* means a discharge which, alone or in conjunction with a discharge or discharges entering the treatment facility from other sources, exits a POTW or semipublic sewage disposal system in quantities or concentrations which cause a violation of any requirement of the treatment facility's NPDES permit including an increase in the magnitude or duration of a violation.

"*Permit rationale"* means a document that sets forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing a draft operation or NPDES permit.

"*Point source"* means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, or vessel or other floating craft, from which pollutants are or may be discharged. "Point source" does not include return flows from irrigated agriculture or agricultural storm water runoff.

"*Pollutant"* means sewage, industrial waste, or other waste.

"*Population equivalent"* means the calculated number of people who would contribute an equivalent amount of biochemical oxygen demand (BOD) per day as the system in question, assuming that each person contributes 0.167 pounds of five-day, 20 degrees Celsius, BOD per day.

"*Pretreatment"* means the reduction of the amount of pollutants, the elimination of pollutants,

or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical, or biological processes, by process changes, or by other means, except as prohibited in 40 CFR 403.6(d).

"Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard, imposed on an industrial user.

"Pretreatment standard" or *"national pretreatment standard"* means any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Act, which applies to industrial users. "Pretreatment standard" includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

"Private sewage disposal system" means a system which provides for the treatment or disposal of domestic sewage from four or fewer dwelling units or the equivalent of less than 16 individuals on a continuing basis.

"Semipublic sewage disposal system" means a system for the treatment or disposal of domestic sewage which is not a private sewage disposal system and which is not owned by a city, a sanitary sewer district, or a designated and approved management agency under Section 208 of the Act (33 U.S.C. 1288).

"Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. "Severe property damage" does not mean economic loss caused by delays in production.

"Sewage" means the water-carried waste products from residences, public buildings, institutions, or other buildings, including the bodily discharges from human beings or animals together with such groundwater infiltration and surface water as may be present.

"Sewage from vessels" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes that are discharged from vessels and regulated under Section 312 of the Act.

"Significant industrial user" means an industrial user of a POTW that meets any one of the following conditions:

1. Discharges an average of 25,000 gallons per day or more of process wastewater excluding sanitary, noncontact cooling and boiler blowdown wastewater;
2. Contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW;
3. Is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or
4. Is designated by the department as a significant industrial user on the basis that the contributing industry, either singly or in combination with other contributing industries, has a reasonable potential for adversely affecting the operation of or effluent quality from the POTW or for violating any pretreatment standards or requirements.

Upon a finding that an industrial user meeting the criteria in paragraphs "1" or "2" of this definition has no reasonable potential for adversely affecting the operation of the POTW or for violating any pretreatment standard or requirement, the department may, at any time on its own initiative or in response to a request received from an industrial user or POTW, determine that an industrial user is not a significant industrial user.

"Water of the state" means any stream, lake, pond, marsh, watercourse, waterway, well, spring, reservoir, aquifer, irrigation system, drainage system, and any other body or accumulation of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

ITEM 3. Amend rule **567—60.2(455B)**, definitions of "CFR," "Major," "Navigable water," and "Regional administrator," as follows:

"CFR" or *"Code of Federal Regulations"* means the ~~Code of Federal Regulations as published by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402~~ federal administrative rules adopted by the United States in effect as of July 1, 2008. The amendment of the date contained in this definition shall constitute the amendment of all CFR references contained in 567—Chapters 60 to 69, Title IV, unless a date of adoption is set forth in a specific rule.

"Major," ~~means~~ for municipalities, means a facility having ~~a discharge flow or~~ an average wet weather design flow of 1.0 ~~mgd~~ million gallons per day (MGD) or greater. For industries it means a facility which is designated by EPA as being a major industry based on the EPA point rating system ~~which uses pounds of wastes discharged for each facility~~.

"Navigable water" means a water of the United States as defined in 40 CFR Part 122.2.

"Regional administrator" means the regional administrator of the United States Environmental Protection Agency, Region VII, ~~726 Minnesota Avenue~~ 901 N. 5th Street, Kansas City, Kansas 66101.

ITEM 4. Rescind the definitions of "Dry weather design flow," "High quality resource waters", "High quality waters", "Major contributing industry" and "Standard methods" in rule **567—60.2(455B)**.

ITEM 5. Amend rule **567—60.3(455B,17A)**, introductory paragraph, as follows:

567—60.3(455B,17A) Forms. The following forms ~~are~~ shall be used ~~by the public~~ to apply for departmental approvals and to report on activities related to the wastewater programs of the department. Electronic forms may be obtained from the appropriate regional field office. ~~All forms~~ Paper forms may be obtained from ~~the Environmental Protection Division, Administrative Support Station, Iowa Department of Natural Resources, Henry A. Wallace Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0032~~ the Web site of the department or by contacting the appropriate regional field office. Properly completed application forms ~~should~~ and all attachments shall be submitted in accordance with the instructions~~, to the Wastewater Permits Section, Environmental Protection Division~~. Reporting forms ~~should~~ shall be submitted to the appropriate field office. ~~(See rule 567—1.4(455B))~~

ITEM 6. Amend subrule 60.3(2) as follows:

60.3(2) *Operation and NPDES permit application forms.*

a. Form 30 — public or private domestic ~~sewerage~~ sewer systems (municipal and semipublic facilities) 542-3220.

(1) Part A — basic information for all applicants.

(2) Part B — expanded effluent testing data.

(3) Part C — toxicity testing data.

(4) Part D — industrial user discharges and RCRA/CERCLA wastes.

(5) Part E — combined sewer systems.

(6) Part F — certification.

b. Form 31 — treatment agreement 542-3221.

c. Form 34 — open feedlots 542-~~3225~~ 4001.

d. Form 1 — general information for industrial, manufacturing or commercial systems 542-1376. ~~(For storm water discharge EPA Form 3510-1, also referred to as EPA Form 1, may be~~

~~used.)~~

e. Form 2 — facilities which do not discharge process wastewater—industrial, manufacturing or commercial systems 542-1377. ~~(For storm water discharge EPA Form 3510-2E, also referred to as EPA Form 2E, may be used.)~~

f. Form 3 — facilities which discharge process wastewater existing sources—industrial, manufacturing, and commercial systems 542-1378. ~~(For storm water discharge EPA Form 3510-2C, also referred to as EPA Form 2C, may be used.)~~

g. Form 4 — facilities which discharge process wastewater—new sources—industrial, manufacturing or commercial systems 542-1379. ~~(For storm water discharge EPA Form 3510-2D, also referred to as EPA Form 2D, may be used.)~~

h. EPA Form 2F ~~(EPA Form 3510-2F)~~ application for NPDES individual permit to discharge storm water discharge associated with industrial activity 542-1380.

i. Form 5 — Certification for Industrial Facilities 542-1382.

j. NPDES Permit Application Supplement 542-1383.

~~*i.*~~ *k.* Notice of Intent for Coverage Under Storm Water NPDES General Permit No.1 "Storm Water Discharge Associated with Industrial Activity" or General Permit No.2 "Storm Water Discharge Associated with Industrial Activity for Construction Activities" or General Permit No.3 "Storm Water Discharge Associated with Industrial Activity from Asphalt Plants, Concrete Batch Plants, Rock Crushing Plants and Construction Sand and Gravel Facilities" 542-1415.

~~*j.*~~ *l.* Notice of Intent for Coverage Under NPDES General Permit No.4 "Discharge from ~~On-Site Wastewater~~ Private Sewage Treatment and Disposal Systems~~.~~" 542-1541.

~~*k.*~~ *m.* Notice of Intent for Coverage Under NPDES General Permit No.5 "Discharge from Mining and Processing Facilities" 542-4006.

~~*l.*~~ *n.* Notice of Discontinuation From Coverage Under General Permit No.5 542-8038.

~~*m.*~~ *o.* Information Required to Accompany Application for the Municipal Separate Storm Sewer System (MS4) Permit 542-8039.

p. NPDES Application Fee Invoice for Open Feedlots and Designated Confinement Feeding Operations 542-1240.

q. NPDES Application Fee Invoice 542-1251.

r. NPDES Application Fee Invoice for a New Discharger 542-1253.

s. Storm Water Discharge – NPDES General Permit #1 Notice of Discontinuation 542-8814.

t. Storm Water Discharge – NPDES General Permit #2 Notice of Discontinuation 542-8815.

u. Storm Water Discharge – NPDES General Permit #3 Notice of Discontinuation 542-8816.

v. Public Notice of Storm Water Discharge 542-8117.

ITEM 7. Adopt the following **new** paragraph **60.3(3)"j"**:

j. Other forms as provided by the department, including electronic forms.

ITEM 8. Adopt the following **new** paragraph **60.4(1)"e"**:

e. Fees. Required fees shall be submitted with all applications for a construction permit as noted in 567—64.16(455B).

ITEM 9. Amend subrule 60.4(2) as follows:

60.4(2) *Operation ~~permits~~ and NPDES permit applications.*

a. General. A person ~~desiring~~ required to obtain or renew a wastewater operation permit or an Iowa NPDES permit pursuant to 567—Chapter 64, ~~or~~ 567—Chapter 65, or 567-Chapter 69 must complete the appropriate application form as identified in subrule 60.3(2). ~~The application~~

~~shall be reviewed when it is complete, and if approvable the department shall prepare and issue the permit or proposed permit, as applicable, and transmit it to the applicant. A permit or renewal will be denied when the applicant does not meet one or more requirements for issuance or renewal of such permit.~~

(1) Complete applications. A permit application is complete and approvable when all necessary questions on the application forms have been completed and the application is signed pursuant to 567—subrule 64.3(8), and when all applicable portions of the application, including the application fee and required attachments, have been submitted. The director may require the submission of additional information deemed necessary to evaluate the application. The due date for a renewal application is 180 days prior to the expiration date of the current permit, as noted in 567—64.8(455B). For a POTW, permission to submit an application at a later date may be granted by the director. The due date for a new application is 180 days prior to the date the operation is scheduled to begin, unless a shorter period is approved by the director.

(2) Incomplete applications. Incomplete applications may be returned to the applicant for completion. Authorization to discharge will be suspended if a complete application is not submitted to the department before the expiration date of the current permit. In the case of new applications, no discharge will be allowed until an NPDES or operation permit is issued. In the case of existing discharges, if a permit application is incomplete or has not been submitted, the department shall notify the permittee of a violation of this rule and may proceed administratively on the violation or may request that the commission refer the matter to the attorney general for legal action.

(3) Other information. If a permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, the permittee shall promptly submit such facts or information.

b. Amendments. A permittee seeking an amendment to its operation permit shall make a written request in the form of a detailed letter to the department which shall include the nature of and the reasons supporting the requested amendment ~~and the reasons therefor~~. A variance or amendment to the terms and conditions of a general permit shall not be granted. If a variance or amendment to a general permit is desired, the applicant must apply for an individual permit following the procedures in 567—paragraph 64.3(4)*"a."*

(1) Schedules of compliance. Requests to amend a permit schedule of compliance shall be made at least 30 days prior to the next scheduled compliance date which the permittee contends it is unable to meet. The request shall include any proposed changes in the existing schedule of compliance, and any supporting documentation for the time extension. An extension may be granted by the department for cause. Cause ~~includes~~ may include unusually adverse weather conditions, equipment shortages, labor strikes, federal grant regulation requirements, or any other extenuating circumstances beyond the control of the requesting party. Cause does not include economic hardship, profit reduction, or failure to proceed in a timely manner.

(2) No change.

(3) Monitoring requirements. ~~A~~ An amendment request for a change in the minimum monitoring requirements in an existing permit ~~shall include the proposed changes in monitoring requirements and documentation therefor~~ is considered a variance request. A request for a variance shall include a letter and the Petition for Waiver or Variance form (542-1258). This form can be obtained from the NPDES section as noted in 60.3(455B). The requesting permittee must provide monitoring results which are frequent enough to reflect variations in actual wastewater characteristics over a period of time and are consistent in results from sample to sample. The department will evaluate the request based upon whether or not less frequent sample results accurately reflect actual wastewater characteristics and whether operational control can be

maintained.

Upon receipt of a request, the department may grant, modify, or deny the request. If the request is denied, the department may notify the permittee of any violation of its permit and may proceed administratively on the violation or may request that the commission refer the matter to the attorney general for legal action.

c. Fees. Required fees shall be submitted with all permit applications as noted in 567—64.16(455B).

ITEM 10. Amend subrules 62.1(6) and 62.1(7) as follows:

62.1(6) The discharge of wastewater into a publicly owned treatment works or a ~~privately owned domestic sewage treatment works~~ semipublic sewage disposal system in volumes or quantities in excess of those to which a ~~major contributing industry~~ significant industrial user is committed in the treatment agreement described in 567—subrule 64.3(5) or a local control mechanism in the case of a POTW with a pretreatment program approved by the department is prohibited.

62.1(7) Wastes in such volumes or quantities as to exceed the design capacity of the treatment works, cause interference or pass through, or reduce the effluent quality below that specified in the operation permit of the treatment works are considered to be a waste which interferes with the operation or performance of a publicly owned treatment works or a ~~privately owned domestic sewage treatment works~~ semipublic sewage disposal system and are prohibited.

ITEM 11. Adopt the following **new** subrule 62.1(8):

62.1(8) Discharge of the following pollutants to a publicly owned treatment works, a semipublic sewage disposal system, or a private sewage disposal system is prohibited:

a. Pollutants which create a fire or explosion hazard including but not limited to waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;

b. Solid or viscous substances in amounts that will cause obstruction to the flow in the treatment works resulting in interference;

c. Heat in amounts which will inhibit biological activity in the treatment works resulting in interference but, in no case, heat in such quantities that the temperature of the waste stream at the treatment plant exceeds 40 degrees Celsius (104 degrees Fahrenheit) unless specifically approved by the department;

d. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

e. Pollutants which result in the presence of toxic gases, vapors, or fumes within the treatment works in a quantity that could cause acute worker heath and safety problems; and

f. Pollutants which will cause corrosive structural damage to the treatment works but, in no case, discharges with a pH lower than 5.0 standard units, unless the treatment works is specifically designed to accommodate such discharges, or wastes which would intermittently change the pH of the raw waste entering the treatment plant by more than 0.5 standard pH units or which would cause the pH of the raw waste entering the treatment plant to be less than 6.0 or greater than 9.0 standard units.

ITEM 12. Amend rule **567—62.3(455B)**, catchwords, as follows:

567—62.3(455B) Secondary treatment information: effluent standards for publicly owned treatment works and ~~privately owned domestic sewage treatment works~~ semipublic sewage

disposal systems.

ITEM 13. Amend subrule 62.3(1), introductory paragraph, as follows:

62.3(1) *General.* The following paragraphs describe the minimum level of effluent quality attainable by secondary treatment in terms of the pollutant measurements carbonaceous biochemical oxygen demand ($CBOD_5$), the five-day measure of the pollutant parameter carbonaceous biochemical oxygen demand; suspended solids (SS), the pollutant parameter total suspended solids; and pH, the measure of the relative acidity or alkalinity. The pollutant measurement carbonaceous biochemical oxygen demand is used in lieu of the pollutant measurement five-day biochemical oxygen demand (BOD_5), as noted in 40 CFR 133.102. All requirements for each pollutant measurement shall be achieved by publicly owned treatment works and ~~privately owned domestic sewage treatment works~~ semipublic sewage disposal systems except as provided for in subrules 62.3(2) and 62.3(3).

ITEM 14. Amend paragraph **62.3(1)"a"** as follows:

a. Carbonaceous biochemical oxygen demand (5 day)—$CBOD_5$.

(1) and (2) No change.

(3) The 30-day average percent removal shall not be less than 85 percent, and the percent removal shall be calculated by adding 5 units to the effluent $CBOD_5$ monitoring data and comparing that value to the influent BOD_5 monitoring data. Site-specific information on the relationship between BOD_5 and $CBOD_5$ shall be used in lieu of the 5-unit relationship if such information is available.

ITEM 15. Amend subrule 62.3(3), introductory paragraph, as follows:

62.3(3) *Treatment equivalent to secondary treatment.* This subrule describes the minimum level of effluent quality attainable by facilities eligible for treatment equivalent to secondary treatment in terms of the pollutant measurements $CBOD_5$, SS and pH. The pollutant measurement $CBOD_5$ is used in lieu of the pollutant measurement BOD_5 as noted in 40 CFR 133.105. Treatment works shall be eligible at any time for consideration of effluent limitations described for treatment equivalent to secondary treatment if:

ITEM 16. Amend paragraph **62.3(3)"f"** as follows:

f. $CBOD_5$ limitations:

(1) and (2) No change.

(3) The 30-day average percent removal shall not be less than 65 percent, and the percent removal shall be calculated by adding 5 units to the effluent $CBOD_5$ monitoring data and comparing that value to the influent BOD_5 monitoring data. Site-specific information on the relationship between BOD_5 and $CBOD_5$ shall be used in lieu of the 5-unit relationship if such information is available.

ITEM 17. Amend subrule 62.6(3), introductory paragraph, as follows:

62.6(3) *Effluent limitations.* This subrule establishes effluent limitations on the discharge of pollutants from sources other than publicly owned treatment works and ~~privately owned domestic sewage treatment works~~ semipublic sewage disposal systems that are not subject to the federal effluent standards adopted by reference in 62.4(1) and 62.4(3) to ~~62.4(60)~~ 62.4(71).

ITEM 18. Amend subrule 62.6(4) as follows:

62.6(4) *Pretreatment requirements for incompatible wastes.* This subrule establishes pretreatment requirements for incompatible pollutants that apply to sources other than ~~those covered by 40 CFR §128.133, (i.e., sources other than existing "major contributing industries" as defined in 40 CFR §128.124)~~ significant industrial users as defined in 567—60.2(455B), and to sources that are new or existing ~~major contributing industries~~ significant industrial users for which there is no federal pretreatment standard (i.e., sources which do not fall within a point source category or, if they do fall within a point source category, sources for which the administrator has not yet promulgated a pretreatment standard).

a. For sources that are within a point source category adopted by reference in 62.4(455B) for which there are promulgated effluent limitation guidelines, but no promulgated pretreatment standards, the pretreatment standard for incompatible pollutants shall be the promulgated effluent limitation guideline. ~~Provided, that if the treatment works which receives the pollutants is committed in its operation permit to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant.~~

b. For sources that are not subject to paragraph *"a,"* ~~there shall be established~~ the department shall establish an effluent limitation that represents the best ~~engineering~~ professional judgment ~~in the department of the degree of~~ for effluent reduction that is consistent with the Act and Iowa Code chapter 455B.

~~*c.* In no case shall a discharge into a publicly owned treatment works or a privately owned domestic sewage treatment works by a source subject to this subrule intermittently change the pH of the raw waste reaching the treatment plant by more than 0.5 pH unit or cause the pH of the waste reaching the plant to be less than 6.0 or greater than 9.0.~~

ITEM 19. Amend rule 567—62.7(455B) as follows:

567—62.7(455B) Effluent limitations less stringent than the effluent limitation guidelines. An effluent limitation less stringent than the effluent limitation guideline (adopted by reference in 62.4(455B)) representing the degree of effluent reduction achievable by application of the best practicable control technology currently available may be allowed in an NPDES permit if the factors relating to the equipment or facilities involved, the process applied, or other such factors related to the discharger are fundamentally different from the factors considered by the administrator in the establishment of the guidelines. An individual discharger or other interested person may submit evidence concerning such factors to the director. On the basis of such evidence or other available information and in accordance with 40 CFR 125.31, the director will make a written finding that such factors are or are not fundamentally different from the facility compared to those specified in the development document. Any such less stringent effluent limitations must, as a condition precedent, be approved by the administrator.

ITEM 20. Amend subrule 62.8(2) as follows:

62.8(2) *Effluent limitations necessary to meet water quality standards.* No effluent, alone or in combination with the effluent of other sources, shall cause a violation of any applicable water quality standard. When it is found that a discharge that would comply with applicable effluent standards in 62.3(455B), 62.4(455B) or 62.5(455B) or effluent limitations in 62.6(455B) would cause a violation of water quality standards, the discharge will be required to meet ~~whatever effluent limitations are necessary to achieve water quality standards, including the nondegradation policy of 567 subrule 61.2(2)~~ the water quality-based effluent limits

(WQBELs) necessary to achieve the applicable water quality standards as established in 567—Chapter 61. Any such effluent ~~limitation~~ limit shall be ~~determined using a statistically based portion of~~ derived from the calculated waste load allocation, as described in "Supporting Document for Iowa Water Quality Management Plans" ~~(Iowa Department of Water, Air and Waste Management, July 1976, Chapter IV~~ Chapter IV, July 1976, as revised on June 16, 2004~~)~~, or the waste load allocation as required by a total maximum daily load, whichever is more stringent. The translation of waste load allocations to WQBELs shall use Iowa permit derivation methods, as described in the "Supporting Document for Iowa Water Quality Management Plans," Chapter IV, July 1976, as revised on June 16, 2004. ~~(Copy available upon request to the Department of Natural Resources, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa 50319. Copy on file with the Iowa Administrative Rules Coordinator.)~~

ITEM 21. Amend subrule 62.8(3) as follows:

62.8(3) *Pretreatment requirements more stringent than pretreatment standards or requirements.* The department or the publicly owned treatment works may impose pretreatment requirements more stringent than the applicable pretreatment standard of 62.4(455B) or pretreatment requirements of 62.6(455B) if such more stringent requirements are necessary to prevent violations of water quality standards, ~~or the permit limitations of the treatment works~~ interference, or pass through.

ITEM 22. Adopt the following **new** rule 567—62.10(455B):

567—62.10(455B) Effluent reuse. Treated final effluent may be reused in a manner noted in 62.10(1) or as specified in the NPDES permit.

62.10(1) Reuse for golf course irrigation. Treated final effluent may be reused for golf course irrigation if the conditions described in *"a"* and *"b"* are met.

a. The treated final effluent must meet one of the following conditions:

(1) A minimum total residual chlorine level of 0.5 mg/l must be maintained at a minimum of 15 minutes contact time of chlorine to wastewater prior to the irrigation of the golf course with treatment plant effluent; or

(2) Disinfected effluent shall be held in a retention pond with a detention time of at least 20 days prior to reuse as irrigation on a golf course. For this purpose, effluent may be disinfected using any common treatment technology, and either an existing pond or a pond constructed specifically for effluent retention may be used.

b. A golf course utilizing treated final effluent shall take all of the following actions:

(1) Clearly state on all scorecards that treated final effluent is used for irrigation of the golf course and oral contact with golf balls and tees should be avoided;

(2) Post signs that warn against consumption of water at all water hazards;

(3) Color code, label, or tag all piping and sprinklers associated with the distribution or transmission of the treated final effluent to clearly warn against the consumptive use of the contents; and

(4) Restrict the access of the public to any area of the golf course where spraying is being conducted.

All four of the above conditions must be met.

62.10(2) Reserved.

ITEM 23. Amend subrule 63.1(4) as follows:

63.1(4) All laboratories conducting analyses required by this chapter must be certified in

accordance with 567—Chapter 83 ~~except that routine,~~. Routine on-site monitoring for pH, temperature, dissolved oxygen, total residual chlorine ~~and,~~ other pollutants that must be analyzed immediately upon sample collection, settleable solids, physical measurements such as flow and cell depth, and operational monitoring tests specified in 63.3(4) are excluded from this requirement. All instrumentation used for conducting any analyses required by this chapter must be properly calibrated according to the manufacturer's instructions.

ITEM 24. Amend subrule 63.2(3) as follows:

63.2(3) The permittee shall retain for a minimum of three years ~~any~~ all paper and electronic records of monitoring activities and results including all original strip chart recordings for continuous monitoring instrumentation and calibration and maintenance records. This includes but is not limited to monitoring and calibration records from pH meters, dissolved oxygen meters, total residual chlorine meters, flow meters, and temperature readings from any composite samplers. The period of retention shall be considered to be extended during the course of any unresolved litigation or when requested by the director or the regional administrator.

ITEM 25. Amend rule 567—63.3(455B) as follows:

567—63.3(455B) Minimum self-monitoring requirements in permits.

63.3(1) *Monitoring by organic waste dischargers.* The minimum self-monitoring requirements to be incorporated in operation permits for facilities discharging organic wastes shall be the appropriate requirements in Tables I, II, and IV. Additional monitoring may be specified in the operation permit based on a case-by-case evaluation of the impact of the discharge on the receiving stream, toxic or deleterious effects of wastewaters, industrial contribution to the system, complexity of the treatment process, history of noncompliance or any other factor which requires strict operational control to meet the effluent limitations of the permit, as described in the Supporting Document for Permit Monitoring Frequency Determination, August 2008, located on the NPDES Web site.

63.3(2) *Monitoring by inorganic waste dischargers.* The ~~minimum~~ self-monitoring requirements to be incorporated in the operation permit for ~~an inorganic waste discharge~~ facilities discharging inorganic wastes shall be ~~the appropriate requirement in Table V. Additional monitoring may be specified in the operation permit based on~~ determined on a case-by-case evaluation of the impact of the discharge on the receiving stream, toxic or deleterious effects of wastewaters, complexity of the treatment process, history of noncompliance or any other factor which requires strict control to meet the effluent limitations of the permit, as described in the Supporting Document for Permit Monitoring Frequency Determination, August 2008.

63.3(3) *Monitoring of ~~industrial contributors to~~ significant industrial users of publicly owned treatment works.* ~~All major contributing industries~~ Monitoring for significant industrial users as defined in 567—60.2(455B) ~~and industrial contributors that are subject to national pretreatment standards shall be monitored in accordance with the requirements in Tables I, II and V,~~ shall be determined as described in the Supporting Document for Permit Monitoring Frequency Determination, August 2008. ~~provided that the~~ Results of such monitoring shall be submitted to the department in accordance with the reporting requirements in the operation permit. The monitoring program of a publicly owned treatment works with a pretreatment program approved by the department may be used in lieu of the ~~tables~~ supporting document. ~~The results of such monitoring shall be submitted to the department in accordance with the reporting requirements in the operation permit.~~

63.3(4) *Operational monitoring.* The minimum operational monitoring to be incorporated in permits shall be the appropriate requirements in Table III. These requirements reflect minimum indicators that any adequately run system must monitor. The department recognizes that most well-run facilities will be monitored more closely by the operator as appropriate to the particular system. However, the results of ~~this monitoring~~ any monitoring beyond the requirements in Table III need not be reported to the department, but shall be maintained according to 63.2(3). ~~Operational monitoring requirements may be modified or reduced at the discretion of the director when adequate justification is presented by the permittee that the reduced or modified requirements will not adversely impact the operation of the facility.~~ Additional operational monitoring may be specified in the operation permit based on a case-by-case evaluation of the impact of the discharge on the receiving stream, toxic or deleterious effects of wastewaters, complexity of the treatment process, history of noncompliance or any other factor that requires strict control to meet the effluent limitations of the permit.

63.3(5) *Modification of minimum monitoring requirements.* Monitoring requirements may be modified or reduced at the discretion of the director when requested by the permittee. Adequate justification must be presented by the permittee that the reduced or modified requirements will accurately reflect actual wastewater characteristics and will not adversely impact the operation of the facility. Requests for modification or reduction of monitoring requirements in an existing permit are considered variance requests and must follow the procedures in 567—paragraph 60.4(2)*"b."* All reductions or modifications of monitoring incorporated into an operation or NPDES permit by amendment or upon reissuance of the permit are only effective until the expiration date of that permit.

63.3(6) *Impairment monitoring.* If a wastewater treatment facility is located in the watershed of an impaired waterbody that is listed on Iowa's most recent Section 303(d) list (as described in 40 CFR 130.7), additional monitoring for parameters that are contributing to the impairment may be included in the operation or NPDES permit on a case-by-case basis.

ITEM 26. Amend subrule 63.5(2) as follows:

63.5(2) Reports of the self-monitoring results shall be submitted to the appropriate regional field office of the department quarterly. The quarterly reports shall cover the periods January through March, April through June, July through September and October through December. The quarterly report for each period shall be submitted by the tenth day of the month following the quarter being reported.

ITEM 27. Rescind rule 567—63.6(455B) and adopt the following **new** rule in lieu thereof:

567—63.6(455B) Bypasses and upsets.

63.6(1) *Prohibition.* Bypasses from any portion of a treatment facility or from a sanitary sewer collection system designed to carry only sewage are prohibited. The department may not assess a civil penalty against a permittee for a bypass if the permittee has complied with all of the following:

a. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The permittee submitted the information required in 63.6(2), 63.6(3), and 63.6(5).

63.6(2) *Request for anticipated bypass.* Except for bypasses that occur as a result of mechanical failure or acts beyond the control of the owner or operator of a waste disposal system (unanticipated bypasses), the owner or operator shall obtain written permission from the department prior to any discharge of sewage or wastes from a waste disposal system not authorized by a discharge permit. The director may approve an anticipated bypass after considering its adverse effects if the director determines that it will meet the conditions in 63.6(1).

a. The request for a bypass shall be submitted to the appropriate regional field office of the department at least ten days prior to the expected date of the event.

b. The request shall be submitted in writing and shall include all of the following:

(1) The reason for the bypass;

(2) The date and time the bypass will begin;

(3) The expected duration of the bypass;

(4) An estimate of the amount of untreated or partially treated sewage or wastewater that will be discharged;

(5) The location of the bypass;

(6) The name of any body of surface water that will be affected by the bypass; and

(7) Any actions the owner or operator proposes to take to mitigate the effects of the bypass upon the receiving stream or other surface water.

63.6(3) *Notification of unanticipated bypass or upset and public notices.* In the event that a bypass or upset occurs without prior notice having been provided pursuant to 63.6(2) or as a result of mechanical failure or acts beyond the control of the owner or operator, the owner or operator of the treatment facility or collection system shall notify the department by telephone as soon as possible but not later than 12 hours after the onset or discovery.

a. Notification shall be made by contacting the appropriate field office during normal business hours (8 a.m.to 4:30 p.m.) or by calling the department at (515)281-8694 after normal business hours.

b. Notification shall include information on as many items listed in subparagraphs 63.6(3)*"d"*(1) through (6) below as available information will allow.

c. When the department has been notified of an unanticipated bypass, the department shall determine if a public notice is necessary. If the department determines that public notification is necessary, the owner or operator of the treatment facility or the collection system shall prepare a public notice.

d. Bypasses shall be reported with the monthly operation report, as a separate attachment, that includes:

(1) The reason for the bypass, including the amount and duration of any rainfall event that may have contributed to the bypass;

(2) The date and time of onset or discovery of the bypass;

(3) The duration of the bypass;

(4) An estimate of the amount of untreated or partially treated sewage or wastewater that was discharged;

(5) The location of the bypass; and

(6) The name of any body of surface water that was affected by the bypass.

63.6(4) *Monitoring, disinfection, and cleanup.* The owner or operator of the treatment facility or collection system shall perform any additional monitoring, sampling, or analysis of the bypass or upset requested by the regional field office of the department and shall comply with the instructions of the department intended to minimize the effect of a bypass or upset on the

receiving water of the state. The following requirements for disinfection and cleanup apply to all bypasses:

a. The department may require temporary disinfection depending on the volume and duration of the bypass, the classification of the stream affected by the bypass, and the time of year during which the bypass occurs; and

b. The department may require cleanup of any debris and waste materials deposited in the area affected by the bypass. In conjunction with the cleanup, the department may require lime application to the ground surface or disinfection of the area with chlorine solution.

63.6(5) *Reporting of subsequent findings and additional information requested by the department.* All subsequent findings and laboratory results concerning a bypass shall be submitted in writing to the appropriate regional field office of the department as soon as they become available. Any additional information concerning the steps taken to minimize the effects of a bypass requested by the department shall be submitted within 30 days of the request.

63.6(6) *Upset.* An upset is an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

a. An upset constitutes an affirmative defense to the assessment of a civil penalty for noncompliance with technology-based effluent limitations if the requirements of paragraph *"b"* of this subrule are met.

b. A permittee who wishes to establish an affirmative defense of upset shall demonstrate, through properly signed operation logs or other relevant evidence, that:

(1) An upset occurred and that the permittee can identify the cause(s) of the upset;

(2) The permitted facility was at the time being properly operated;

(3) The permittee submitted notice of upset in accordance with 63.6(3); and

(4) The permittee completed any remedial measures required by the department; including monitoring, sampling, or analysis of the upset requested by the department and any instructions from the department calculated to minimize the effect of the upset on the receiving water of the state.

c. In any enforcement action proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

ITEM 28. Amend rule 567—63.7(455B) as follows:

567—63.7(455B) Submission of records of operation. ~~Records~~ Except as provided in subrules 63.3(4) and 63.5(1), records of operation shall be submitted to the appropriate regional field office of the department within 15 days following the close of the reporting period specified in 63.8(455B) and in accordance with monitoring requirements derived from this chapter and incorporated in the operation permit. The permittee shall report all instances of noncompliance not reported under 63.12(455B) at the time monitoring reports are submitted. If a permittee becomes aware that it failed to submit any relevant facts in any report to the director, the permittee shall promptly submit such facts or information.

ITEM 29. Amend rule 567—63.8(455B) as follows:

567—63.8(455B) Frequency of submitting records of operation. Except as provided in ~~subrule 63.1(2)~~ subrules 63.3(4) and 63.5(1), records of operation required by these rules shall be submitted at monthly intervals. The department may vary the interval at which records of

operation shall be submitted in certain cases. Variation from the monthly interval shall be made only under such conditions as the department may prescribe in writing to the person concerned.

ITEM 30. Amend rule 567—63.9(455B) as follows:

567—63.9(455B) Content of records of operation. Records of operation shall include the results of all monitoring specified in or authorized by this chapter and incorporated in the operation permit. ~~Monitoring performed but not specified in the operation permit shall be recorded and maintained in accordance with 63.2(455B).~~ The results of any monitoring not specified in the operation permit performed at the compliance monitoring point and analyzed according to 40 CFR Part 136 shall be included in the calculation and reporting of any data submitted in accordance with this chapter and the operation permit.

ITEM 31. Amend rule **567—63.11(455B)**, introductory paragraph, as follows:

567—63.11(455B) Certification and signatory requirements in the submission of records of operation. All records of operation as required by these rules shall include certification which attests that all information contained therein is representative and accurate. Each record of operation shall contain the signature of a duly authorized representative of the corporation, partnership or sole proprietorship, municipality, or public facility which has proprietorship of the wastewater treatment or disposal system as specified in 567—subrule 64.3(8). For electronic submissions of records of operation, a signed paper copy of the record that was submitted electronically must be maintained at the facility for a minimum of three years.

ITEM 32. Adopt the following **new** rules 567—63.12(455B) to 567—63.14(455B):

567—63.12(455B) Twenty-four-hour reporting. All permittees shall report any permit noncompliance that may endanger human health or the environment, including, but not limited to, violations of maximum daily limits for any toxic pollutant (listed as toxic under 307(a)(1) of the Act) or hazardous substance (as designated in 40 CFR Part 116 pursuant to 311 of the Act). Information shall be provided orally to the appropriate regional field office of the department within 24 hours from the time the permittee becomes aware of the circumstances. In addition, a written submission that includes a description of noncompliance and its cause; the period of noncompliance including exact dates and times; whether the noncompliance has been corrected or the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent a reoccurrence of the noncompliance must be provided to the regional field office within 5 days of the occurrence.

567—63.13(455B) Planned changes. The permittee shall give notice to the appropriate regional field office of the department 30 days prior to any planned physical alterations or additions to the permitted facility. Notice is required only when:

1. Notice has not been given to any other section of the department;
2. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as defined in 567—60.2(455B);
3. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices; or
4. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in the permit.

567—63.14(455B) Anticipated noncompliance. The permittee shall give notice to the

appropriate regional field office of the department of any activity which may result in noncompliance with permit requirements. Notice is required only when previous notice has not been given to any other section of the department.

ITEM 33. Rescind Table I in **567---Chapter 63** and adopt the following **new** Table I in lieu thereof:

Table I Minimum Self-Monitoring in Permits for Organic Waste Dischargers
Controlled Discharge Wastewater Treatment Plants

Waste water Parameter	Sampling[5] Location	Sample Type[4]	Frequency by P.E.[1, 5, 6]			
			< 100	101-500	501-1,000	>1,001
Flow[2]	Raw	24-Hr Total	1/Week	Daily	Daily	Daily
	Final	Instantaneous	2/Week During Drawdown	Daily During Drawdown		
BOD_5	Raw	24-Hr Composite	--	--	--	1/3 Months
$CBOD_5$[3]	Final	Grab	1/ Drawdown[7]	Twice During Drawdown		
Total Suspended Solids (TSS)[3]	Raw	24-Hr Composite	--	--	--	1/3 Months
	Final	Grab	1/ Drawdown[7]	Twice During Drawdown		
Ammonia Nitrogen	Final	Grab	1/ Drawdown	Twice During Drawdown		
e. coli	Final	Grab	1/ Drawdown	1/ Drawdown	Twice During Drawdown	
pH	Raw	Grab	--	--	--	1/3 Months
	Final	Grab	1/ Drawdown	1/ Drawdown	Twice During Drawdo	1/Week During Drawdown

Waste water Parameter	Sampling[5] Location	Sample Type[4]	Frequency by P.E.[1, 5, 6]			
			< 100	101-500	501-1,000	>1,001
					wn	

Explanation of Superscripts

1 - The P.E. shall be computed on the basis of the original engineering design criteria for the facility and any modifications thereof. Where such design criteria are not available, the P.E. shall be computed using 0.167 pounds of BOD_5 per capita per day.

2 - Facilities serving a population equivalent less than 100 are not required to provide continuous flow measurement but are required to provide manual flow measurement at the specified frequency. Facilities serving a population equivalent greater than 100 are required to provide continuous flow measurement of the raw waste but need only provide manual flow measurement on the final effluent. Acceptable flow measurement and recording techniques shall be those described in the "Iowa Wastewater Facilities Design Standards," Chapter 14 (14.7.2).

3 - In addition to the sampling required above, a grab sample of the lagoon cell contents collected at a point near the outlet structure shall be analyzed at least two weeks prior to an anticipated discharge to demonstrate that the wastewater is of such quality to meet the effluent limitations in the permit. The permittee must have the sample analyzed for 5-day carbonaceous biochemical oxygen demand ($CBOD_5$) and total suspended solids (TSS). The results must be compared with the 30-day average effluent limits. If the results are less than the 30-day average limits, the permittee may isolate the final cell and draw down the lagoon cell. If the pre-discharge sample results exceed the 30-day average effluent limits for either $CBOD_5$ or TSS, the permittee must contact the local DNR Field Office for guidance before beginning to discharge.

4 - Sample types are defined as:

"Grab Sample" means a representative, discrete portion of sewage, industrial waste, other waste, surface water or groundwater taken without regard to flow rate.

"24-Hour Composite" means:

a. For facilities where no significant industrial waste is present, a sample made by collecting a minimum of six grab samples taken four hours apart and combined in proportion to the flow rate at the

time each grab sample was collected. (Generally, grab samples should be collected at 8 a.m., 12 a.m. (noon), 4 p.m., 8 p.m., 12 p.m. (midnight), and 4 a.m. on weekdays (Monday through Friday) unless local conditions indicate another more appropriate time for sample collection.)

b. For facilities where significant industrial waste is present, a sample made by collecting a minimum of 12 grab samples taken two hours apart and combined in proportion to flow rate at the time each grab sample was collected. (Generally, grab samples should be collected at 8 a.m., 10 a.m., 12 a.m. (noon), 2 p.m., 4 p.m., 6 p.m., 8 p.m., 10 p.m., 12 p.m. (midnight), 2 a.m., 4 a.m., and 6 a.m. on weekdays (Monday through Friday) unless local conditions indicate another more appropriate time for sample collection.)

c. An automatic composite sampling device may also be used for collection of flow-proportioned or time-proportioned composite samples.

5- Raw wastewater samples shall be taken continuously (year-round) at the specified frequency. Final effluent wastewater samples shall be taken only during the drawdown period. The first final effluent sample shall be taken the third day after the drawdown begins, and subsequent samples shall be taken at the specified frequencies. For final effluent samples that are required to be taken twice during drawdown, the first sample shall be taken the third day after the drawdown begins, and the second sample shall be taken between three (3) and five (5) days before the drawdown ends.

6- If a facility has a P.E. greater than 3000 or a significant industrial contributor, additional monitoring may be required.

7- One-cell controlled discharge lagoons with a PE less than 100 will be required to perform final effluent sampling for 5-day carbonaceous biochemical oxygen demand ($CBOD_5$) and total suspended solids (TSS) twice during drawdown in accordance with superscript #5.

ITEM 34. Rescind Table II in **567—Chapter 63** and adopt the following **new** Table II in lieu thereof:

Table II Minimum Self-Monitoring in Permits for Organic Waste Dischargers
Continuous Discharge Wastewater Treatment Plants

Wastewater Parameter	Sampling Location	Sample Type[3, 11]	Frequency by P.E[1,6]						
			≤ 100	101-500	501-1,000	1,001-3,000	3,001-15,000	15,001-105,000	> 105,000
Flow[2]	Raw or Final	24-Hr Total	1/week	Daily	Daily	Daily	Daily	Daily	Daily
BOD_5	Raw	24-Hr Comp.	1/6 Months	1/3 Months	1/Week	1/Week	2/Week	2-5/Week[5]	Daily
$CBOD_5$	Final	24-Hr Comp.	1/3 Months	1/ Month	1/Week	1/Week	2/Week	2-5/Week[5]	Daily
Total Suspended Solids (TSS)	Raw	24-Hr Comp.	1/6 Months	1/3 Months	1/ Month	1/2 Weeks	1/Week	2-5/Week[5]	Daily
	Final	24-Hr Comp.	1/3 Months	1/3 Months	1/ Month	1/2 Weeks	1/Week	2-5/Week[5]	Daily
Ammonia Nitrogen[10]	Final	24-Hr Comp.	1/ Month	1/ Month	1/Week	1/Week	2/Week	2-5/Week[5]	Daily
TKN[8]	Raw	24-Hr Comp	—	—	—	1/2 Months	1/ Month	1/ Month	1/2 Weeks
Total Nitrogen[9]	Final	24-Hr Comp	—	—	—	1/3 Months	1/3 Months	1/2 Months	1/2 Months
Total Phosphorus[9]	Final	24-Hr Com	—	—	—	1/3 Months	1/3 Months	1/2 Months	1/2 Months

Wastewater Parameter	Sampling Location	Sample Type[3, 11]	Frequency by P.E[1,6]						
			≤ 100	101-500	501-1,000	1,001-3,000	3,001-15,000	15,001-105,000	> 105,000
		p							
pH	Raw	Grab	—	—	1/Week	1/Week	2/Week	2-5/Week[5]	Daily
	Final	Grab	1/3 Months	1/ Month	1/Week	1/Week	2/Week	5/Week	Daily
e. coli[4,7]	Final	Grab	5 samples, 1/3 Months	5 samples, 1/3 Months	5 samples, 1/3 Months	5 samples, 1/3 Months	5 samples, 1/3 Months	5 samples, 1/3 Months	5 samples, 1/3 Months
Temperature	Raw	Grab	—	—	1/Week	1/Week	2/Week	2-5/Week[5]	Daily
	Final	Grab	1/3 Months	1/ Month	1/Week	1/Week	2/Week	2-5/Week[5]	Daily

Explanation of Superscripts

1 - See Superscript #1, Table I.

2 - See Superscript #2, Table I. Both raw and final flow monitoring may be required if the raw and final wastewater flows may be different for any reason.

3 - See Superscript #4, Table I.

4 - Analysis is required only when the facility discharges directly to a stream designated as Class A1, A2, or A3 or there is a reasonable potential for the discharge to affect a stream designated as Class A1, A2, or A3.

5 - The frequency of sample collection and analysis shall be increased by 1/week according to the following: 15,001 to 30,000 – 2/week; 30,001 to 45,000 – 3/week; 45,001 to 75,000 – 4/week; 75,001 – 105,000 – 5/week.

6 - The requirements for significant industrial users shall be those specified in the permit for final effluent monitoring.

7 - Bacteria Monitoring. All facilities must collect and analyze a minimum of five e.coli samples in one calendar month during each three-month period (quarter) during the appropriate recreation season associated with the receiving stream designation as specified in 567—subrule 61.3(3). For sampling required during the recreational season, March 15 to November 15, the three-month periods are March – May, June – August, and September – November. For year-round sampling, the three-month periods are January – March, April – June, July – September, and October – December. For each three-month period, the operator must take five samples during one calendar month, resulting in 15 samples in one year for sampling required during the recreation season and 20 samples per year for sampling required year-round.

The following requirements apply to the individual samples collected in one calendar month:

a. Samples must be spaced over one calendar month.

b. No more than one sample can be collected on any one day.

c. There must be a minimum of two days between each sample

d. No more than two samples may be collected in a period of seven consecutive days.

The geometric mean must be calculated using all valid sample results collected during a month. The geometric mean formula is as follows: Geometric Mean = (Sample one * Sample two * Sample three * Sample four *Sample five…Sample N)^(1/N), which is the N^{th} root of the result of the multiplication of all of the sample results where N = the number of samples. If a sample result is a less than value, the value reported by the lab without the less than sign shall be used in the geometric mean calculation.

8 - Additional Total Kjeldahl Nitrogen (TKN) monitoring may be required if the facility has one or more significant industrial users or has effluent ammonia violations.

9 - Total nitrogen shall be determined by testing for Total Kjeldahl Nitrogen (TKN) and nitrate + nitrite nitrogen and reporting the sum of the TKN and nitrate + nitrite results (reported as N). Nitrate + nitrite can be analyzed together or separately. Total phosphorus shall be reported as P.

10 – Ammonia nitrogen monitoring is only required for facilities with ammonia nitrogen effluent limitations.

11 - For aerated lagoons, 24-hour composite samples are not required on the final effluent; grab samples are acceptable.

ITEM 35. Amend Table III in **567—Chapter 63** as follows:

Table III Operational Monitoring Requirements in Permits

LAGOONS

Parameter	Sampling Location	Sample Type	Frequency by P.E.[1]						
			< 100	101-500	501 - 1,000	1,001- 3,000	3,001 - 15,000	15,001 - 105,000	> 105,000
Cell Depth	Each Cell	Measurement	1/ Week	1/Week	1/ Week	2/Week	2/Week	2/Week	2/Week

AERATED LAGOONS

Dissolved Oxygen	Cell Contents	Grab	1/Month	1/2 Weeks	1/2 Weeks	1/Week	2/Week	2/Week	2/Week

TRICKLING FILTERS

Recirculation	---	Measurement	1/Week	1/Week	1/ Week	2/Week	3/Week	5/Week	7/Week

ACTIVATED SLUDGE

MLSS	Aeration Basin Contents	Grab	1/Month	1/Week	1/ Week	2/Week	3/Week	5/Week	7/Week
Dissolved Oxygen	Aeration Basin Contents	Grab	1/Week	1/Week	2/ Week	2/Week	3/Week	5/Week	7/Week
Temperature	Aeration Basin Contents	Grab	1/Week	1/Week	2/ Week	2/Week	3/Week	5/Week	7/Week
30-	Aera	Grab	1/W	1/W	2/	2/W	3/We	5/Wee	7/W

Minute Settleability	tion Basin Contents		eek	eek	Week	eek	ek	k	eek

ANAEROBIC DIGESTER

Temperature	Digester Contents	Grab	1/Week	1/Week	2/Week	2/Week	3/Week	5/Week	7/Week
pH	Digester Contents	Grab	1/Week	1/Week	2/Week	2/Week	3/Week	5/Week	7/Week
Alkalinity	Digester Contents	Grab	---	---	---	1/Week	1/Week	2/Week	2/Week
Volatile Acids	Digester Contents	Grab	---	---	---	1/Week	1/Week	2/Week	2/Week

AEROBIC DIGESTER

Dissolved Oxygen	Digester Contents	Grab	---	---	1/Week	2/Week	3/Week	5/Week	7/Week

CHLORINATION FACILITIES

Total Residual Chlorine	Final Effluent	Grab	1/Week	1/Week	2/Week	2/Week	3/Week	5/Week	7/Week

SEQUENCING BATCH REACTORS

Total Suspended	Aeration Basin	Grab	1/Week	1/Week	2/Week	2/Week	3/Week	5/Week	7/Week

Solids	Effluent								

CLARIFIERS

Settleable Solids	Effluent after final clarifier	Grab	1/Week	1/Week	2/Week	2/Week	3/Week	5/Week	7/Week

Explanation of Superscripts

1 - See Superscript #1, Table I.

2 - Alternative test methods for operational monitoring:

Dissolved Oxygen	–	Pao Titration
MLSS	–	Spectrophotometric, Centrifuge
pH	–	Colorimetric Comparator, Meter
30-Minute Settleability	–	Standard Methods Test 213C
Alkalinity	–	Standard Methods Test 403
Volatile Acids	–	Standard Methods Test 504A
Residual Chlorine	–	Colorimetric Comparator, Meter

3 - The TSS grab sample of the aeration basin effluent should be taken at the point of maximum effluent turbidity.

ITEM 36. Rescind Table V in **567—Chapter 63**.

ITEM 37. Renumber existing Table VI in **567—Chapter 63** as Table V.

ITEM 38. Adopt **new** numbered paragraph **"2"** in **567—Chapter 63**, Table V, as follows:

2.	Escherichia coli (E. coli)	P,G	Cool, 4ºC	6 hours

ITEM 39. Rescind and reserve rule **567—64.1(455B)**.

ITEM 40. Amend subrule 64.2(1) as follows:

64.2(1) No person shall construct, install or modify any wastewater disposal system or part thereof or extension or addition thereto without, or contrary to any condition of, a construction permit issued by the director or by a local public works department authorized to issue such permits under 567—Chapter 9, nor shall any connection to a sewer extension in violation of any special limitation specified in a construction permit pursuant to 64.2(10)~~, paragraph "*a*," "*b*," or "*f*"~~ be allowed by any person subject to the conditions of the permit.

ITEM 41. Amend subrule **64.2(3)**, introductory paragraph, as follows:

64.2(3) Site approval under 64.2(2) shall be based on the criteria contained in the Ten States Standards, design manuals published by the department, applicable federal guidelines and standards, standard textbooks, current technical literature and applicable safety standards. To the extent that separation distances of this subrule conflict with the separation distances of ~~567—subrule 23.5(1) or 23.5(2)~~ Iowa Code section 455B.134(3)*"f,"* the greater distance shall prevail. The following separation distances from ~~treatment or lagoon water surface~~ a treatment works shall apply unless a separation distance exception is provided in the Iowa Wastewater Facilities Design Standards. The separation distance from lagoons shall be measured from the water surface.

ITEM 42. Adopt the following **new** paragraph **64.2(8)"c"**:

c. A privately owned pretreatment facility, except an anaerobic lagoon, where a treatment unit or units provide partial reduction of the strength or toxicity of the waste stream prior to additional treatment and disposal by another person, corporation, or municipality. However, the department may require that the design basis and construction drawings be filed for information purposes.

ITEM 43. Amend subrule 64.3(1) as follows:

64.3(1) Except as ~~provided~~ otherwise provided in this subrule ~~and~~, in 567—Chapter 65, and in 567—Chapter 69, no person shall operate any wastewater disposal system or part thereof without, or contrary to any condition of, an operation permit issued by the director~~; nor shall the permittee of a system to which a sewer extension has been made under a construction permit limited pursuant to 64.2(10), paragraph *"a," "b"* or *"f,"* allows a connection to such sewer extension in violation of any special limitation in such construction permit~~. An operation permit is not required for the following:

a. Private sewage disposal system which does not discharge into, or have the potential to reach, a designated water of the state or subsurface drainage tile. (NOTE: private sewage disposal systems under this exemption are regulated under 567—Chapter 69);

b. No change.

~~*c.* Any discharge of sewage from vessels, effluent from properly functioning marine engines, laundry, shower, and galley sink wastes, or any other discharge incidental to the normal operation of a vessel: Provided, that this exclusion shall not be construed to apply to rubbish, trash, garbage, or other such materials discharged overboard; nor to discharges when the vessel is being used in a capacity other than as a means of transportation.~~

~~*d.* Discharges to aquaculture projects as defined in 40 CFR §122.25 (eff. 12-18-84).~~

c. A pretreatment system, the effluent of which is to be discharged directly to another disposal system for final treatment and disposal;

d. A discharge from a geothermal heat pump which does not reach a navigable water.

~~*e.* Discharges of dredged or fill material into navigable waters which are regulated under Section 404 of the Act.~~

~~*f.* Any discharge of pollutants directly to another waste disposal system for final treatment and disposal, with the exception of storm water point sources. (This exclusion from requiring an operation permit applies only to the actual addition of materials into the subsequent treatment works. Plans or agreements to make such additions in the future do not relieve dischargers of the obligation to apply for and receive permits until the discharges of pollutants to navigable waters are actually eliminated. It also should be noted that, in all appropriate cases, pretreatment standards promulgated by the administrator pursuant to Section 307(b) of the Act and adopted by~~

~~reference by the commission and other pretreatment standards and requirements must be complied with.)~~

~~*g.* Any discharge in compliance with the instruction of an On-Scene Coordinator pursuant to 40 CFR Part 300 [The National Oil and Hazardous Substances Pollution Plan] or 33 CFR §153.10(e) [Pollution by Oil and Hazardous Substances].~~

~~*h.* Water pollution from agricultural and silvicultural activities, runoff from orchards, cultivated crops, pastures, rangelands, and forestlands, except that this exclusion shall not apply to the following:~~

~~(1) Discharges from concentrated aquatic animal production facilities as defined in 40 CFR §122.24 (eff. 12-18-84);~~

~~(2) Discharges from concentrated animal feeding operations as defined in 40 CFR §122.23 (eff. 12-18-84);~~

~~(3) Discharges from silvicultural point sources as defined in 40 CFR §122.27 (eff. 12-18-84);~~

~~(4) Storm water discharge associated with industrial activity as defined in 567—Chapter 60.~~

~~*i.* Return flows from irrigated agriculture.~~

ITEM 44. Amend subrule 64.3(3) as follows:

64.3(3) The owner of any disposal system or part thereof in existence before August 21, 1973, for which a permit has been previously granted by the Iowa department of health or the Iowa department of environmental quality shall submit such information as the director may require to determine the conformity of such system and its operation with the rules of the department by no later than 60 days after the receipt of a request for such information from the director. If the director determines that the disposal system does not conform to the rules of the department, the director may require the owner to make such modifications as are necessary to achieve compliance. A construction permit shall be required, pursuant to 64.2(1), prior to any such modification of the disposal system.

ITEM 45. Amend subrule 64.3(4) as follows:

64.3(4) Applications.

a. Individual permit. Except as provided in 64.3(4)*"b"* or 64.3(4)*"c,"* applications for operation permits required under 64.3(1) shall be made on forms provided by the department, as noted in 567—subrule 60.3(2). The application for an operation permit under 64.3(1) shall be filed ~~at least 180 days prior to the date operation is scheduled to begin unless a shorter period of time is approved by the director~~ pursuant to 567—subrule 60.4(2). Permit applications for a new discharge of storm water associated with construction activity as defined in 567—Chapter 60 under "storm water discharge associated with industrial activity" must be submitted at least 60 days before the date on which construction is to commence. ~~Applications submitted to the department must be accompanied by the appropriate permit fee as specified in rule 64.16(455B). The~~ Upon completion of a tentative determination with regard to the permit application as described in 64.5(1)*"a,"* the director shall issue operation permits for applications filed pursuant to 64.3(1) within 90 days of the receipt of a complete application unless the application is for an NPDES permit or unless a longer period of time is required and the applicant is so notified. ~~The director may require the submission of additional information deemed necessary to evaluate the application. If the application is incomplete or otherwise deficient, processing of the application shall not be completed until such time as the applicant has supplied the missing information or otherwise corrected the deficiency.~~

b. No change.

~~*c. Group applications.* Group applications identified in 40 CFR Part 122.26(c)(2) as amended through June 15, 1992, that were submitted and approved by the U.S. Environmental Protection Agency will be accepted by the department as an application for an NPDES permit for a storm water discharge associated with industrial activity. A copy of the group application does not need to be submitted to the department. The department will notify a participant in a group application of the required application and individual permit fees as specified in 64.16(3)"*b*" if an industry specific general permit is not available for the participants in the group.~~

ITEM 46. Amend subrule 64.3(5) as follows:

64.3(5) Requirements for industries that discharge to another disposal system except storm water point sources.

a. The director may require any person discharging wastes to a publicly or privately owned disposal system to submit information similar to that required in an application for an operation permit, but no operation permit is required for such discharge.

~~Major contributing industries~~ Significant industrial users as defined in 567—Chapter 60 must submit a treatment agreement which meets the following criteria:

(1) The agreement must be on ~~a form~~ the treatment agreement form, number 542-3221, as provided by the department; and

(2) No change.

(3) Be signed and dated by the ~~industrial contributor~~ significant industrial user and the owner of the disposal system accepting the wastewater; and

(4) No change.

b. A ~~major contributing industry should~~ significant industrial user must submit a new treatment agreement form 60 days in advance of a proposed expansion, production increase or process modification that may result in discharges of sewage, industrial waste, or other waste in excess of the discharge stated in the existing treatment agreement. An industry that would become a ~~major contributing industry~~ significant industrial user as a result of a proposed expansion, production increase or process modification ~~should~~ shall submit a treatment agreement form 60 days in advance of the proposed expansion, production increase or process modification.

c. A treatment agreement form must be submitted at least 180 days before a new ~~major contributing industry~~ significant industrial user proposes to discharge into a wastewater disposal system. The owner of a wastewater disposal system shall notify the director by submitting a complete treatment agreement to be received at least ten days prior to making any commitment to accept waste from a proposed new ~~major contributing industry~~ significant industrial user. However, the department may notify the owner that verification of the data in the treatment agreement may take longer than ten days and advise that the owner should not enter into a commitment until the data is verified.

d. A treatment agreement form for each ~~major contributing industry~~ significant industrial user must be submitted with the facility plan or preliminary engineering report for the construction or modification of a wastewater disposal system. These agreements will be used in determining the design basis of the new or upgraded system.

e. Treatment agreement forms from ~~major contributing industries~~ significant industrial users shall be required as a part of the application for a permit to operate the wastewater disposal system receiving the wastes from the ~~major contributing industry~~ significant industrial user.

ITEM 47. Amend subrule 64.3(8) as follows:

64.3(8) Identity of signatories of ~~operation~~ permit applications. The person who signs the application for ~~an operation~~ a permit shall be:

a. Corporations. In the case of corporations, ~~a principal executive officer of at least the level of vice president~~ a responsible corporate officer. A responsible corporate officer means:

(1) A president, secretary, treasurer, or vice president in charge of a principal business function, or any other person who performs similar policy- or decision-making functions; or

(2) The manager of manufacturing, production, or operating facilities, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. and *c.* No change.

d. ~~Public facilities~~ Municipality, state, federal, or other public agency. In the case of a municipal, state, or other public facility, ~~by~~ either the principal executive officer~~,~~ or the ranking elected official. A principal executive officer of a public agency includes:

(1) The chief executive officer of the agency; or

(2) A senior executive officer having responsibility for the overall operations of a unit of the agency.

e. Storm water discharge associated with industrial activity from construction activities. In the case of a storm water discharge associated with construction activity, either the owner of the site or the general contractor.

~~The person who signs NPDES reports shall be the same, except that in the case of a corporation or a public body, monitoring reports required under the terms of the permit may be submitted by the person who is responsible for the overall operation of the facility from which the discharge originates.~~

f. Certification. Any person signing a document under paragraph *"a"* to *"d"* of this subrule shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations.

The person who signs NPDES reports shall be a person described in this subrule, except that in the case of a corporation or a public body, monitoring reports required under the terms of the permit may be submitted by a duly authorized representative of the person described in this subrule. A person is a duly authorized representative if the authorization is made in writing by a person described in this subrule and the authorization specifies an individual or position having responsibility for the overall operation of the regulated facility, such as plant manager, superintendent, or position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the corporation.

ITEM 48. Amend subrule 64.3(9) as follows:

64.3(9) When necessary to comply with present standards which must be met at a future date, an operation permit shall include a schedule for the alteration of the permitted facility to meet said standards. Such schedules shall not relieve the permittee of the duty to obtain a construction permit pursuant to 64.2(455B). When necessary to comply with a pretreatment standard or requirement which must be met at a future date, a ~~major contributing industry~~ significant

industrial user will be given a compliance schedule for meeting those requirements.

ITEM 49. Amend subrule 64.3(11) as follows:

64.3(11) The director may ~~suspend or revoke~~ amend, revoke and reissue, or terminate in whole or in part any individual operation permit or coverage under a general permit for cause. Except for general permits, the director may modify in whole or in part any individual operation permit for cause. A variance or modification to the terms and conditions of a general permit shall not be granted. If a variance or modification to a general permit is desired, the applicant must apply for an individual permit following the procedures in 64.3(4)*"a."*

~~Cause for modification, suspension or revocation of a permit includes the following:~~

a. Permits may be amended, revoked and reissued, or terminated for cause either at the request of any interested person (including the permittee) or upon the director's initiative. All requests shall be in writing and shall contain facts or reasons supporting the request.

b. Cause under this subrule includes the following:

~~*a.*~~ (1) Violation of any term or condition of the permit.

~~*b.*~~ (2) Obtaining a permit by misrepresentation of fact or failure to disclose fully all material facts.

~~*c.*~~ (3) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

~~*d.*~~ (4) Failure to submit such records and information as the director shall require both generally and as a condition of the operation permit in order to ensure compliance with the discharge conditions specified in the permit.

~~*e.*~~ (5) Failure or refusal of an NPDES permittee to carry out the requirements of 64.7(5)*"c."*

~~*f.*~~ (6) Failure to provide all the required application materials or appropriate fees.

(7) A request for a modification of a schedule of compliance, an interim effluent limitation, or the minimum monitoring requirements pursuant to 567—paragraph 60.4(2)*"b."*

(8) Causes listed in 40 CFR 122.62 and 122.64.

c. The permittee shall furnish to the director, within a reasonable time, any information that the director may request to determine whether cause exists for amending, revoking and reissuing, or terminating a permit, including a new permit application.

d. The filing of a request by an interested person for an amendment, revocation and reissuance, or termination does not stay any permit condition.

e. If the director decides the request is not justified, the director shall send the requester a brief written response giving a reason for the decision. Denials of requests for modification, revocation and reissuance, or termination are not subject to public notice, comment, hearings, or appeals.

f. Draft permits.

(1) If the director tentatively decides to amend, revoke and reissue, or terminate a permit, a draft permit shall be prepared according to 64.5(1).

(2) When a permit is amended under this paragraph, only those conditions to be modified shall be reopened when a new draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the permit.

(3) When a permit is revoked and reissued under this paragraph, the entire permit is reopened just as if the permit had expired and was being reissued.

(4) If the permit amendment falls under the definition of minor amendment in 567—60.2(455B), the permit may be amended without a draft permit or public notice.

(5) During any amendment, revocation and reissuance, or termination proceeding, the permittee shall comply with all conditions of the existing permit until a new final permit is reissued.

ITEM 50. Adopt the following **new** subrule 64.3(12):

64.3(12) No permit may be issued:

a. When the applicant is required to obtain certification under Section 401 of the Clean Water Act and that certification has not been obtained or waived;

b. When the imposition of conditions cannot ensure compliance with the applicable water quality requirements of all affected states; or

c. To a new source or new discharger if the discharge from its construction or operation will cause or contribute to a violation of water quality standards. The owner or operator of a new source or new discharger proposing to discharge to a water segment which does not meet applicable water quality standards must demonstrate, before the close of the public comment period for a draft NPDES permit, that:

(1) There is sufficient remaining load in the water segment to allow for the discharge; and

(2) The existing dischargers to the segment are subject to compliance schedules designed to bring the segment into compliance with water quality standards.

The director may waive the demonstration if the director already has adequate information to demonstrate (1) and (2).

ITEM 51. Amend subrule 64.4(1) as follows:

64.4(1) *Individual permit.* ~~The director shall, when an operation permit expires and an NPDES permit is required for the discharge, and, upon proper application, issue an individual NPDES permit in accordance with 64.5(455B), 64.7(455B), 64.8(1) and 64.9(455B).~~ An individual NPDES permit is required when there is a discharge of a pollutant from any point source into navigable waters. An NPDES permit is not required for the following:

a. Reserved.

b. Discharges of dredged or fill material into navigable waters which are regulated under Section 404 of the Act;

c. The introduction of sewage, industrial wastes or other pollutants into a POTW by indirect dischargers. (This exclusion from requiring an NPDES permit applies only to the actual addition of materials into the subsequent treatment works. Plans or agreements to make such additions in the future do not relieve dischargers of the obligation to apply for and receive permits until the discharges of pollutants to navigable waters are actually eliminated. It also should be noted that, in all appropriate cases, indirect discharges shall comply with pretreatment standards promulgated by the administrator pursuant to Section 307(b) of the Act and adopted by reference by the commission);

d. Any discharge in compliance with the instruction of an On-Scene Coordinator pursuant to 40 CFR Part 300 (The National Oil and Hazardous Substances Pollution Contingency Plan) or 33 CFR 153.10(e) (Pollution by Oil and Hazardous Substances);

e. Any introduction of pollutants from non-point source agricultural and silvicultural activities, including storm water runoff from orchards, cultivated crops, pastures, range lands, and forest lands, except that this exclusion shall not apply to the following:

(1) Discharges from concentrated animal feeding operations as defined in 40 CFR 122.23;

(2) Discharges from concentrated aquatic animal production facilities as defined in 40 CFR 122.24;

(3) Discharges to aquaculture projects as defined in 40 CFR 122.25;
(4) Discharges from silvicultural point sources as defined in 40 CFR 122.27;
f. Return flows from irrigated agriculture; and
g. Water transfers, which are defined as activities that convey or connect navigable waters without subjecting the transferred water to intervening industrial, municipal, or commercial use.

ITEM 52. Adopt the following **new** subrule 64.4(3):

64.4(3) *Effect of a permit.*
a. Except for any toxic effluent standards and prohibitions imposed under Section 307 of the Act and standards for sewage sludge use or disposal under Section 405(d) of the Act, compliance with a permit during its term constitutes compliance, for purposes of enforcement, with Sections 301, 302, 306, 307, 318, 403 and 405(a)-(b) of the Act, and equivalent limitations and standards set out in IAC 567 – Chapters 61 and 62. However, a permit may be terminated during its term for cause as set forth in 64.3(11). Compliance with a permit condition which implements a particular standard for sewage sludge use or disposal shall be an affirmative defense in any enforcement action brought for a violation of that standard for sewage sludge use or disposal.
b. The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege.

ITEM 53. Amend subrule 64.5(1) as follows:

64.5(1) *Formulation of tentative determination ~~and draft NPDES permit~~.* The department shall make a tentative determination to issue or deny an operation or NPDES permit for the discharge described in a ~~Refuse Act or NPDES~~ permit application in advance of the public notice ~~of~~ as described in 64.5(2).
a. If the tentative determination is to issue ~~the~~ an NPDES permit, the department shall prepare a permit rationale for each draft permit pursuant to 64.5(3) and a draft ~~NPDES~~ permit. The draft permit shall include the following:
~~*a.*~~ (1) Effluent limitations identified pursuant to 64.6(2) and 64.6(3), for those pollutants proposed to be limited.
~~*b.*~~ (2) If necessary, a proposed schedule of compliance, including interim dates and requirements, identified pursuant to ~~64.6(4)~~ 64.7(4), for meeting the effluent limitations and other permit requirements.
~~*c.*~~ (3) Any other special conditions (other than those required in 64.6(5)) which will have a significant impact upon the discharge described in the ~~NPDES~~ permit application.
b. If the tentative determination is to deny an NPDES permit, the department shall prepare a notice of intent to deny the permit application. The notice of intent to deny an application will be placed on public notice as described in 64.5(2).
c. If the tentative determination is to issue an operation permit (non-NPDES permit), the department shall prepare a final permit and transmit the final permit to the applicant. The applicant will have 30 days to appeal the final operation permit.
d. If the tentative determination is to deny an operation permit (non-NPDES permit), no public notice is required. The department shall send written notice of the denial to the applicant. The applicant will have 30 days to appeal the denial.

ITEM 54. Amend subrule 64.5(2) as follows:

64.5(2) *Public notice for NPDES permits.*
a. Prior to the issuance of an NPDES permit, a major NPDES permit amendment, or the

denial of a permit application for an NPDES permit, public notice shall be circulated in a manner designed to inform interested and potentially interested persons of the proposed discharge and of the tentative determination to issue or deny an NPDES permit for the proposed discharge. Procedures for the circulation of public notice shall include at least the procedures of subparagraphs (1) to (3).

(1) The public notice for a draft NPDES permit or major permit amendment shall be circulated by the applicant within the geographical areas of the proposed discharge by posting the public notice in the post office and public places of the city nearest the premises of the applicant in which the effluent source is located; by posting the public notice near the entrance to the applicant's premises and in nearby places; and by publishing the public notice in local newspapers and periodicals, or, if appropriate, in a newspaper of general circulation. The public notice for the denial of a permit application shall be sent to the applicant and circulated by the department within the geographical areas of the proposed discharge by publishing the public notice in local newspapers and periodicals, or, if appropriate, in a newspaper of general circulation.

(2) The public notice shall be ~~mailed~~ sent by the department to any person upon request.

(3) Upon request, the department shall add the name of any person or group to the ~~mailing~~ distribution list~~, described in 567—4.2(455B),~~ to receive copies of all public notices concerning ~~proposed NPDES permits~~ the tentative determinations with respect to the permit applications within the state or within a certain geographical area and shall ~~mail~~ send a copy of all public notices to such persons.

b. The department shall provide a period of not less than 30 days following the date of the public notice during which time interested persons may submit their written views on the tentative determinations with respect to the ~~NPDES~~ permit application and request a public hearing pursuant to 64.5(6). Written comments may be submitted by paper or electronic means. All ~~written~~ comments submitted during the 30-day comment period shall be retained by the department and considered by the director in the formulation of the director's final determinations with respect to the ~~NPDES~~ permit application. The period for comment may be extended at the discretion of the department. Pertinent and significant comments received during either the original comment period or an extended comment period shall be responded to in a responsiveness summary pursuant to 64.5(8).

c. The contents of the public notice of a ~~proposed~~ draft NPDES permit, a major permit amendment, or the denial of a permit application for an NPDES permit shall include at least the following:

(1) and (2) No change.

(3) A brief description of each applicant's activities or operations which result in the discharge described in the ~~NPDES~~ permit application (e.g., municipal waste treatment plant, corn wet milling plant, or meat packing plant).

(4) No change.

(5) A statement of the department's tentative determination to issue or deny an NPDES permit for the discharge or discharges described in the ~~NPDES~~ permit application.

(6) A brief description of the procedures for the formulation of final determinations, including the 30-day comment period required by paragraph *"b"* of this subrule, procedures for requesting a public hearing and any other means by which interested persons may influence or comment upon those determinations.

(7) The address ~~and~~, telephone number, and E-mail address of places at which interested persons may obtain further information, request a copy of the ~~draft permit~~ tentative determination and any associated documents prepared pursuant to 64.5(1), request a copy of the

~~fact sheet, if any,~~ permit rationale described in 64.5(3), and inspect and copy ~~NPDES~~ permit forms and related documents.

d. No public notice is required for a minor permit amendment, including amendments to correct typographical errors, include more frequent monitoring requirements, revise interim compliance schedule dates, change the owner name or address, include a local pretreatment program, or remove a point source outfall that does not result in the discharge of pollutants from other outfalls.

e. No public notice is required when a request for a permit amendment or a request for a termination of a permit is denied. The department shall send written notice of the denial to the requester and the permittee only. No public notice is required if an applicant withdraws a permit application.

ITEM 55. Amend subrule 64.5(3) as follows:

64.5(3) ~~*Fact sheets*~~ *Permit rationales and notices of intent to deny.*

a. ~~For every discharge which has a total volume of more than 500,000 gallons on any day of the year~~ When the department has made a determination to issue an NPDES permit as described in 64.5(1), the department shall prepare and, upon request, shall send to any person a ~~fact sheet~~ permit rationale with respect to the application described in the public notice. The contents of such ~~fact sheets~~ permit rationales shall include at least the following information:

(1) A ~~sketch or~~ detailed description of the location of the discharge described in the ~~NPDES~~ permit application.

(2) A quantitative description of the discharge described in the ~~NPDES~~ permit application which includes: ~~at least the following: the rate or frequency of the proposed discharge (if the discharge is continuous, the average daily flow in gallons per day or million gallons per day); for thermal discharges subject to limitation under the Act, the average summer and winter discharge temperatures in degrees Fahrenheit; and the average daily discharge in pounds per day of any pollutants which are present in significant quantities or which are subject to limitations or prohibition under Section 301, 302, 306 or 307 of the Act and regulations published thereunder.~~

1. The average daily discharge in pounds per day of any pollutants which are subject to limitations or prohibitions under 64.7(2) or Section 301, 302, 306 or 307 of the Act and regulations published thereunder; and

2. For thermal discharges subject to limitation under the Act, the average and maximum summer and winter discharge temperatures in degrees Fahrenheit.

(3) and (4) No change.

~~(5) A fuller description of the procedures for the formulation of final determinations than that given in the public notice including: the 30-day comment period required by 64.5(2); procedures for requesting a public hearing and the nature thereof; and any other procedures by which the public may participate in the formulation of the final determinations.~~

(5) An explanation of the principal facts and the significant factual, legal, methodological, and policy questions considered in the preparation of the draft permit.

(6) Any calculations or other necessary explanation of the derivation of effluent limitations.

b. When the department has made a determination to deny an application for an NPDES permit as described in 64.5(1), the department shall prepare and, upon request, shall send to any person a notice of intent to deny with respect to the application described in the public notice. The contents of such notice of intent to deny shall include at least the following information:

(1) A detailed description of the location of the discharge described in the permit application; and

(2) A description of the reasons supporting the tentative decision to deny the permit application.

c. When the department has made a determination to issue an operation permit as described in 64.5(1), the department shall prepare a short description of the waste disposal system and the reasons supporting the decision to issue an operation permit. The description shall be sent to the operation permit applicant upon request.

d. When the department has made a determination to deny an application for an operation permit as described in 64.5(1), the department shall prepare and send written notice of the denial to the applicant only. The written denial shall include a description of the reasons supporting the decision to deny the permit application.

~~*b.*~~ *e.* Upon request, the department shall add the name of any person or group to a ~~mailing~~ distribution list~~, described in 4.2(455B),~~ to receive copies of ~~fact sheets~~ permit rationales and notices of intent to deny and shall ~~mail~~ send a copy of all ~~fact sheets~~ permit rationales and notices of intent to deny to such ~~person~~ persons.

ITEM 56. Amend subrule 64.5(4) as follows:

64.5(4) *Notice to other government agencies.* Prior to the issuance of an NPDES permit, the department shall notify other appropriate government agencies of each complete application for an NPDES permit and shall provide such agencies an opportunity to submit their written views and recommendations. Notifications may be distributed and written views or recommendations may be submitted by paper or electronic means. Procedures for such notification shall include the procedures of paragraphs *"a"* to ~~*"d."*~~ *"f."*

a. At the time of issuance of public notice pursuant to 64.5(2), the department shall transmit the ~~fact sheet, if any,~~ public notice to any other state whose waters may be affected by the issuance of the NPDES permit ~~and, upon request, the department shall provide such state with a copy of the NPDES application and a copy of the proposed permit prepared pursuant to 64.5(1)~~. Each affected state shall be afforded an opportunity to submit written recommendations to the department and to the regional administrator which the director may incorporate into the permit if issued. Should the director fail to incorporate any written recommendation thus received, the director shall provide to the affected state or states and to the regional administrator a written explanation of the reasons for failing to accept any written recommendation.

b. At the time of issuance of public notice pursuant to 64.5(2), the department shall ~~mail~~ send the public notice for proposed discharges (other than minor discharges) into navigable waters ~~and the fact sheet, if any,~~ to the appropriate district engineer of the army corps of engineers.

(1) The department and the district engineer for each corps of engineers district within the state may arrange for: notice to the district engineer of minor discharges; waiver by the district engineer of the right to receive ~~fact sheets~~ public notices with respect to classes, types, and sizes within any category of point sources and with respect to discharges to particular navigable waters or parts thereof; and any procedures for the transmission of forms, period of comment by the district engineer (e.g., 30 days), and for objections of the district engineer.

(2) A copy of any written agreement between the department and a district engineer shall be forwarded to the regional administrator and shall be available to the public for inspection and copying in accordance with 567—~~Chapter 4~~ Chapter 2.

c. Upon request, the department shall ~~mail~~ send the public notice ~~and fact sheet, if any,~~ to any other federal, state, or local agency, or any affected country, and provide such agencies an opportunity to respond, comment, or request a public hearing pursuant to 64.5(6).

d. The department shall ~~mail~~ send the public notice ~~and fact sheet, if any,~~ for any proposed NPDES permit within the geographical area of a designated and approved management agency under Section 208 of the Act (33 U.S.C. 1288).

e. The department shall ~~mail~~ send the public notice ~~and fact sheet, if any,~~ to the local board of health for the purpose of assisting the applicant in coordinating the applicable requirements of the Act and Iowa Code chapter 455B with any applicable requirements of the local board of health.

f. Upon request, the department shall provide any of the entities listed in 64.5(4)*"a"* through *"e"* with a copy of the permit rationale, permit application, or proposed permit prepared pursuant to 64.5(1).

ITEM 57. Amend subrule 64.5(5) as follows:

64.5(5) *Public access to NPDES information.* The records of the department connected with NPDES permits are available for public inspection and copying to the extent provided in 567—~~Chapter 4~~ Chapter 2.

ITEM 58. Amend subrule 64.5(7) as follows:

64.5(7) *Public notice of public hearings on proposed NPDES permits.*

a. Public notice of any hearing held pursuant to 64.5(6) shall be circulated at least as widely as was the notice of the ~~NPDES~~ tentative determinations with respect to the permit application.

(1) No change.

(2) Notice shall be sent to all persons and government agencies which received a copy of the notice ~~or the fact sheet~~ for the ~~NPDES~~ permit application;

(3) and (4) No change.

b. The contents of public notice of any hearing held pursuant to 64.5(6) shall include at least the following:

(1) and (2) No change.

(3) The name of the ~~waterway~~ waterbody to which each discharge is made and a short description of the location of each discharge ~~on~~ to the ~~waterway~~ waterbody;

(4) A brief reference to the public notice issued for each NPDES application, including ~~identification number and~~ the date of issuance;

(5) and (6) No change.

(7) A concise statement of the issues raised by the person or persons requesting the hearing;

(8) The address and telephone number of the premises where interested persons may obtain further information, request a copy of the draft NPDES permit prepared pursuant to 64.5(1), request a copy of the ~~fact sheet, if any,~~ permit rationale prepared pursuant to 64.5(3), and inspect and copy ~~NPDES~~ permit forms and related documents; ~~and~~

(9) A brief description of the nature of the hearing, including the rules and procedures to be followed~~.~~; and

(10) The final date for submission of comments (paper or electronic) regarding the tentative determinations with respect to the permit application.

ITEM 59. Adopt the following **new** subrule 64.5(8):

64.5(8) *Response to comments.* At the time a final NPDES permit is issued, the director shall issue a response to significant and pertinent comments in the form of a responsiveness summary. A copy of the responsiveness summary shall be sent to the permit applicant, and the document shall be made available to the public upon request. The responsiveness summary shall:

a. Specify which provisions, if any, of the draft permit have been changed in the final permit decision and the reasons for the changes; and

b. Briefly describe and respond to all significant and pertinent comments on the draft permit raised during the public comment period provided for in the public notice or during any hearing. Comments on a draft permit may be submitted by paper or electronic means.

ITEM 60. Amend paragraph **64.7(2)"f"** as follows:

f. Any other limitation, including those:

(1) Necessary to meet water quality standards, treatment or pretreatment standards, or schedules of compliance established pursuant to any Iowa law or regulation, or to implement the ~~policy of nondegradation~~ antidegradation policy in 567—subrule 61.2(2); or

(2) to (4) No change.

ITEM 61. Reletter paragraph **64.7(2)"g"** as **"h."**

ITEM 62. Adopt the following **new** paragraph **64.7(2)"g"**:

g. Limitations must control all pollutants or pollutant parameters which the director determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any water quality standard, including narrative criteria, in 567—Chapter 61. When the permitting authority determines that a discharge causes, has the reasonable potential to cause, or contributes to an in-stream excursion of the water quality standard for an individual pollutant, the permit must contain effluent limits for that pollutant.

ITEM 63. Amend relettered paragraph **64.7(2)"h"** as follows:

h. Any more stringent legally applicable requirements necessary to comply with a plan approved pursuant to Section 208(b) of the Act.

In any case where an NPDES permit applies to effluent standards and limitations described in paragraph *"a," "b," "c," "d," "e," "f,"* ~~or~~ *"g,"* or *"h,"* the director must state that the discharge authorized by the permit will not violate applicable water quality standards and must have prepared some verification of that statement. In any case where an NPDES permit applies any more stringent effluent limitation, described in 64.7(2)*"f"*(1)~~,~~ or *"g,"* based upon applicable water quality standards, a waste load allocation must be prepared to ensure that the discharge authorized by the permit is consistent with applicable water quality standards.

ITEM 64. Amend subrule 64.7(5) as follows:

64.7(5) *Other terms and conditions of issued NPDES permits.* Each issued NPDES permit shall provide for and ensure the following:

a. No change.

b. That the permit may be ~~modified, suspended or revoked~~ amended, revoked and reissued, or terminated in whole or in part for the causes provided in ~~64.3(11).~~ 64.3(11)*"b."*

c. No change.

d. That, if the permit is for a discharge from a publicly owned treatment works, the permittee shall provide notice to the director of the following:

(1) One hundred eighty days in advance of any new introduction of pollutants into such treatment works from ~~a source which would be~~ a new source as defined in ~~Section 306 of the Act~~ 567—Chapter 60 if such source were discharging pollutants;

(2) Except as specified below, 180 days in advance of any new introduction of pollutants into

such treatment works from a source which would be subject to Section 301 of the Act if such source were discharging pollutants. However, the connection of such a source need not be reported if the source contributes less than ~~50,000~~ 25,000 gallons of process wastewater per day at the ~~maximum~~ average discharge, or less than 5 percent of the organic or hydraulic loading of the treatment facility, or is not subject to a federal pretreatment standard adopted by reference in 567—Chapter 62, or does not contribute ~~toxic materials~~ pollutants that may ~~adversely affect the treatment process or any waste that may have an adverse or deleterious impact on the treatment process~~ cause interference or pass through; and

(3) No change.

Such notice shall include information on the quality and quantity of effluent to be introduced into such treatment works and any anticipated impact of such change in the quantity or quality of effluent to be discharged from such publicly owned treatment works.

e. No change.

f. That the permittee at all times shall maintain in good working order and operate as efficiently as possible any facilities or systems of treatment and control which have been installed or are used by the permittee to achieve compliance with the terms and conditions of the permit. Proper operation and maintenance also includes adequate laboratory control and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by the permittee only when such operation is necessary to achieve compliance with the conditions of the permit.

g. to *j.* No change.

ITEM 65. Amend paragraphs **64.7(6)"a"** and **"b"** as follows:

a. The director shall notify the owner of a POTW of the plan of action requirement, and of an opportunity to meet with department staff to discuss the plan of action requirements. The POTW owner shall submit a plan of action to the appropriate regional field office of the department within six months of such notice, unless a longer time is needed and is authorized in writing by the director.

b. The plan of action will vary in length and complexity depending on the compliance history and physical status of the particular POTW. It must identify the deficiencies and needs of the system, describe the causes of such deficiencies or needs, propose specific measures (including an implementation schedule) that will be taken to correct the deficiencies or meet the needs, and discuss the method of financing the improvements proposed in the plan of action.

The plan may provide for a phased construction approach to meet interim and final limitations, where financing is such that a long-term project is necessary to meet final limitations, and shorter term projects may provide incremental benefits to water quality in the interim.

Information on the purpose and preparation of the plan can be found in the departmental document entitled "Guidance on Preparing a Plan of Action," available ~~through the records center of the department~~ from the department's regional field offices.

ITEM 66. Amend rule 567—64.8(455B) as follows:

567—64.8(455B) Reissuance of operation and NPDES permits.

64.8(1) *Individual operation and NPDES permits.* Individual operation and NPDES permits will be reissued according to the procedures identified in 64.8(1)*"a"* to *"c."*

a. Any ~~state~~ operation or NPDES permittee who wishes to continue to discharge after the expiration date of the permit shall file an application for reissuance of the permit at least 180 days prior to the expiration of the permit pursuant to 567—60.4(455B). For a POTW, permission

to submit an application at a later date may be granted by the director. ~~The application may be a simple written request. However,~~ In addition, the applicant ~~for reissuance~~ must submit or have submitted information to show:

(1) That the permittee is in compliance or has substantially complied with all the terms, conditions, requirements and schedules of compliance of the expiring operation or NPDES permit.

(2) and (3) No change.

b. and *c.* No change.

64.8(2) No change.

64.8(3) *Continuation of expiring operation and NPDES permits.*

a. The conditions of an expired operation or NPDES permit will continue in force until the effective date of a new permit if:

(1) The permittee has submitted a complete application under 60.4(2); and

(2) The department, through no fault of the permittee, does not issue a new permit with an effective date on or before the expiration date of the previous permit.

b. Operation and NPDES permits continued under this section remain fully effective and enforceable.

c. If a permittee is not in compliance with the conditions of the expiring or expired permit, the department may choose to do any of the following:

(1) Initiate enforcement action on the permit which has been continued;

(2) Issue a notice of intent to deny a permit under 64.5(1);

(3) Reissue a permit with appropriate conditions in accordance with this subrule; or

(4) Take other actions authorized by this rule.

ITEM 67. Amend rule 567—64.9(455B) as follows:

567—64.9(455B) Monitoring, record keeping and reporting by operation permit holders. Operation permit holders are subject to any applicable requirements and provisions specified in ~~567—Chapter 63~~ the operation permit issued by the department.

ITEM 68. Amend rule 567—64.10(455B) as follows:

567—64.10(455B) Silvicultural activities. The following is adopted by reference: 40 CFR 122.27 ~~as promulgated April 1, 1983 (48 FR 14153)~~.

ITEM 69. Amend subrule 64.13(1) as follows:

64.13(1) The following is adopted by reference: 40 CFR 122.26 ~~as promulgated November 16, 1990 (55 FR 47990), and amended March 21, 1991 (56 FR 12098), April 2, 1992 (57 FR 11394), and December 8, 1999 (64 FR 68838)~~.

ITEM 70. Amend rule 567—64.14(455B) as follows:

567—64.14(455B) Transfer of title or owner address change. If title to any disposal system or part thereof for which a permit has been issued under 64.2(455B), 64.3(455B) or 64.6(455B) is transferred, the new owners shall be subject to all terms and conditions of said permit. Whenever title to a disposal system or part thereof is changed, the department shall be notified in writing of such change within 30 days of the occurrence. No transfer of the authorization to discharge from the facility represented by the permit shall take place prior to notifying the department of the transfer of title. Whenever the address of the owner is changed, the department shall be notified

in writing within 30 days of the address change. Electronic notification is not sufficient; all title transfers or address changes must be reported to the department by mail.

ITEM 71. Amend subparagraph **64.16(3)"a"(5)** as follows:

(5) Discharge from Mining and Processing Facilities, NPDES General Permit No. 5. Fees as established in ~~2006 Iowa Acts, House File 2540, section 25~~ Iowa Code section 455B.197, are to be submitted by August 30 of every year unless a multiyear fee payment was received in an earlier year. New facilities seeking General Permit No. 5 coverage ~~in any month but August~~ shall submit fees with the Notice of Intent for coverage. ~~Coverage provided by the five-year, four-year, or three-year permit fees expires no later than the expiration date of the general permit.~~ Maximum coverage is five years, four years, ~~and~~ three years, and one year respectively. In the event a facility is no longer eligible to be covered under General Permit No. 5, the remainder of the fees previously paid by the facility shall be applied toward its individual permit fees.

ITEM 72. Amend subparagraphs **64.16(3)"b"(3)** and to **(6)** as follows:

(3) For operation and non-storm water NPDES permits not subject to subparagraphs (1) and (2), a single application fee of $85 as established in ~~2006 Iowa Acts, House File 2540, section 25~~ Iowa Code section 455B.197, is due at the time of application. The application fee is to be submitted with the application ~~form (Form 30 for municipal and semipublic facilities; Form 1, 2, 2F, 3, or 4 for industrial facilities)~~ forms (as required by 567—Chapter 60) at the time of a new application, renewal application, or amendment application. Before an approved amendment request submitted by a facility holding a non-storm water NPDES permit can be processed by the department, the application fee must be submitted. Application fees will not be charged to facilities holding non-storm water NPDES permits when an amendment request is ~~submitted by DNR staff, or~~ initiated by the director, when the requested amendment is to correct an error in the permit, or when there is a transfer of title or change in the address of the owner as noted in 64.14(455B).

(4) For every major and minor municipal facility, every semipublic facility, every major and minor industrial facility, every facility that holds an operation permit (no wastewater discharge into surface waters), and every open feedlot animal feeding operation required to hold a non-storm water NPDES permit, an annual fee as established in ~~2006 Iowa Acts, House File 2540, section 25~~ Iowa Code section 455B.197, is due by August 30 of each year.

(5) For every municipal water treatment facility with a non-storm water NPDES permit, no fee is charged (as established in ~~2006 Iowa Acts, House File 2540, section 25~~ Iowa Code section 455B.197).

(6) For a new facility, an annual fee as established in ~~2006 Iowa Acts, House File 2540, section 25~~ Iowa Code section 455B.197, is due 30 days after the new permit is issued.

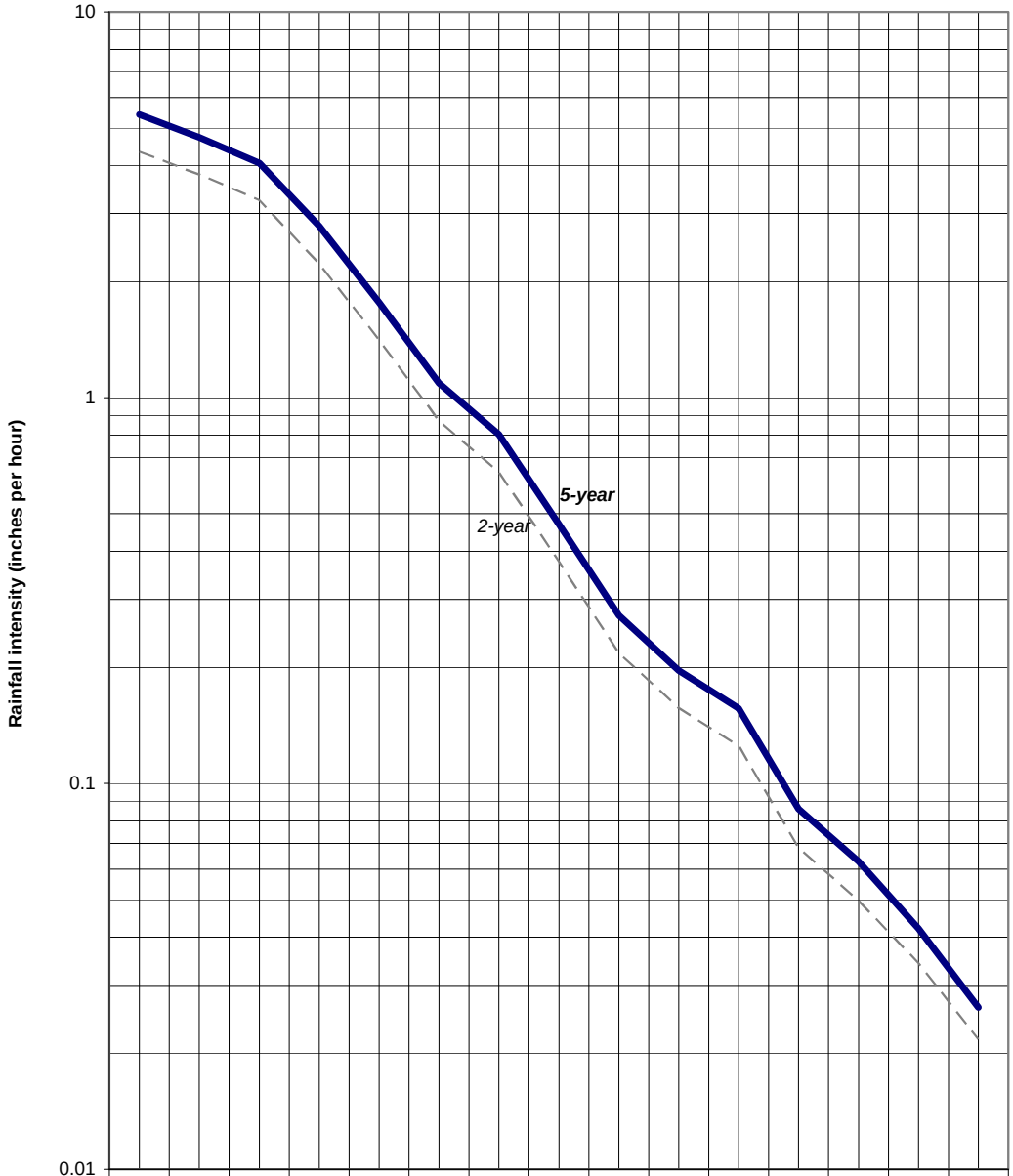
ITEM 73. Amend paragraph **64.16(3)"c"** as follows:

c. Wastewater construction permit fees. A single construction permit fee as established in ~~2006 Iowa Acts, House File 2540, section 25~~ Iowa Code section 455B.197, is due at the time of construction permit application submission.

ITEM 74. Rescind Appendix A in **567—Chapter 64** and adopt the following **new** Appendix A in lieu thereof:

APPENDIX A
Rainfall Intensity - Duration - Frequency Curve
(5 and 2 year Retun Intervals)

Data Source: *Rainfall Frequency Atlas of the Midwest*, Illinios State Water Survey,



Duration (time)	5- min	10-min	15-min	30-min	1-hr	2-hr	3-hr	6-hr	12-hr	18-hr	24-hr	48-hr	72-hr	5-day	10-day
5 year	5.413	4.733	4.058	2.784	1.766	1.091	0.803	0.47	0.273	0.196	0.157	0.086	0.063	0.042	0.026
2 year	4.333	3.787	3.244	2.222	1.411	0.871	0.64	0.375	0.218	0.157	0.125	0.068	0.05	0.034	0.022

Rainfall intensity data points (inches per hour)

SUPPORTING DOCUMENT FOR PERMIT MONITORING FREQUENCY DETERMINATION

Prepared by:

NPDES Section
Water Quality Bureau
Environmental Services Division
Iowa Department of Natural Resources

August 2008

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INTRODUCTION

This support document supplements IAC 567 - Chapter 63 Monitoring, Analytical, and Reporting Requirements. The subject discussed in this document is monitoring frequencies in wastewater permits.

All National Pollutant Discharge Elimination System (NPDES) permits require monitoring of regulated pollutants. The frequency of monitoring is determined using the tables in IAC 567 Chapter 63. In addition, IAC 567 – 63.3(2) requires "Self-monitoring requirements to be incorporated in the operation permit for the discharge of a pollutant not addressed in (the monitoring tables) shall be determined on a case-by-case evaluation of the potential impact of the discharge on the receiving stream, potential for toxic or deleterious effects of the discharge, complexity of the treatment process, variability in waste stream pollutant concentrations, or any other factor which requires strict control to meet the effluent limitations of the permit." The following support document describes the method by which the above rule will be implemented.

MONITORING FREQUENCY DETERMINATION FOR DIRECT DISCHARGERS

The following stepwise process will be used to determine the monitoring frequency for individual pollutants covered by IAC 567 – 63.3(2). The permit writer is responsible for determining the pollutant group category for each pollutant to be monitored, the frequency at which each pollutant will be discharged at a concentration equal to or greater than fifty (50) percent of the proposed limit and the percentage of effluent flow to stream flow. This information will be used to determine the monitoring frequency category.

A. Pollutant Groups: Appendix A lists pollutants by group based Table I, Criteria for Chemical Constituents, 567 IAC 61, Water Quality Standards, effective June 11, 2008. Pollutant groups were based on the numeric criteria for the Warm Water Type I (B(WW-1)) use designation. In the absence of a B(WW-1) use designation, the numeric criteria for the Human Health - Fish (HH) or Drinking Water (C) use designations were used for the purpose of pollutant groups. The following table shows the definition of each pollutant group based on the numeric criteria in micrograms per liter.

Table 1. Pollutant Group based on 567 IAC 61.

Pollutant Group	Water Quality Standard in µg/L
1	≥1000
2	200 – 999
3	50 – 199
4	11 – 49
5	≤10

Each pollutant group has a corresponding number. This number relates to the first row of the monitoring frequency flow chart found in Appendix C. In the absence of a Water Quality Standard, a pollutant will be assigned to a group based on the toxicity of the pollutant (see "Pollutants Not Listed in Appendix A" below).

B. Potential: Potential is defined as the frequency at which the pollutant has been or could be discharged at a concentration that is equal to or greater than fifty (50) percent of the proposed maximum concentration limit. The following equation will be used to determine this frequency:

Equation 1. Potential.

$$\frac{D}{N} \cdot 100 = F$$

Where: N = Total number of monitoring data points from the previous five years

D = number of data points that are equal to or above 0.50 times the proposed limit from the WLA[1,2] (mass or concentration)

F = Frequency at which the pollutant has been or can be expected to be discharged at greater than fifty percent of the proposed limit

[1]To determine potential for industrial contributors D = number of monitoring data points from the industrial contributor, that are equal to or above 0.50 times the proposed concentration limit from the treatment agreement.

[2]For data that has been reported as "no detection", the detection level will be used.

For the determination of potential where less than ten (10) data points are available for analysis, the potential category will automatically be category five (5). After the permittee has submitted more than ten sample results, the permit may be reopened to reduce monitoring based on the procedure outlined in this document.

The calculated frequency will be used to determine the potential category in Table A of Appendix B. Each category has a corresponding number 1 to 5. This will be used in the second row of the monitoring frequency flow chart in Appendix C.

C. Effluent Flow vs. Stream Flow: The average effluent flow versus stream flow will be compared on a percentage basis. Specifically, the comparison will be made between the proposed or actual average effluent flow to the 1Q10 stream flow which will be determined by using the following equation:

Equation 2. Effluent Flow vs. Stream Flow.

$$\frac{\text{Average Effluent Flow}^{3}}{\text{1Q10 Flow}} \cdot 100 = \% \text{ of Effluent Flow to Stream Flow}$$

[3]The conversion factor for million gallons per day to cubic feet per second is 1.55

The calculated percentage of effluent flow vs. stream flow will be used to determine the category in Table B of Appendix B. Each category has a corresponding number 1 to 4. This will be used in the third row of the monitoring frequency flow chart in Appendix C.

D. Monitoring Frequency Conclusion: After the permit writer has followed the above steps and applied the corresponding categories to the monitoring frequency flow charts in Appendix C, the result will be a roman numeral of I – IV. The roman numeral will correspond to a monitoring frequency category that will assist the permit writer in determining the appropriate monitoring frequency for an NPDES permit. Final determination of the specific frequency to be used in an NPDES permit will be left to the permit writer's discretion and any circumstances not accounted for in the previous steps.

MONITORING FREQUENCY DETERMINATION FOR INDIRECT DISCHARGERS (SIGNIFICANT INDUSTRIAL USERS)

Monitoring frequencies for significant industrial users (SIUs) of POTWs will be based on the above described determination model with the exception of effluent flow vs. stream flow. The permit writer will compare the loadings from all of the SIUs to the calculated wasteload allocation (WLA) limits to determine if a reasonable potential exists for any pollutant to pass through the POTW in excess of the WLA limit. This will be done by determining the industrial loadings to the POTW and using the Average Dry Weather (ADW) design flow of the POTW to calculate the concentration of each pollutant at the headworks of the POTW. Conservatively assuming 100% pass-through of non-compatible pollutants, the concentration of a pollutant at the headworks of the POTW can be used to calculate the percent of the WLA limit {(Concentration at headworks/WLA)*100 = Percent WLA limit}. The percentage found will be used to determine the category in Table C of Appendix B in place of effluent flow vs. stream flow. Each category has a corresponding number 1 to 4. This number will be used in the third row of the monitoring frequency flow chart in Appendix C.

POLLUTANTS NOT LISTED IN APPENDIX A

The pollutants not already placed into groups will be evaluated on a case-by-case basis to determine the toxicity of the pollutant. The EPA ECOTOX website will be used to gather information about pollutant toxicity. This data can be found at www.epa.gov/ecotox/ using the aquatic toxicity search feature.

Table 2. Pollutant Group based on pollutant toxicity.

Pollutant Group	½ the LC50 or NOEC[4] µg/L
1	≥1000
2	200 – 999
3	50 – 199
4	11 - 49
5	≤10

[4]In cases where both the LC50 and NOEC are available, the NOEC will be used to determine the pollutant group.

PHYSIOCHEMICAL POLLUTANTS AND NON-POLLUTANT PARAMETERS

In cases where the monitoring of physiochemical parameters, such as pH, temperature or flow, is to be included in the NPDES permit, the permit writer will require monitoring at a frequency that is at least as frequent as the most frequently monitored pollutant, but no less than once per month. Monitoring for these parameters may be more frequent depending on any other extraneous factors that would require strict control.

Appendix A – Pollutant Groups

Group 1
Barium
Bromoform
Chlorobenzene
Chloroform
1,1-Dichloroethylene
Ethylbenzene
Fluoride
Iron
Hexachlorocyclopentadiene
Nitrate as N
Nitrate + Nitrite as N
Nitrite as N
Oil & Grease*
Total Nitrogen
Total Dissolved Solids
Total Suspended Solids*
Xylenes, Total

Group 2
Aluminum
Arsenic
Benzene
Chloride
Dalapon
o-Dichlorobenzene
1,2-Dichloroethane
Di(2-ethylhexyl)adipate
Glyphosphate
Oxamyl (Vydate)
Picloram

Group 3
Chlorodibromomethane
para-Dichlorobenzene
Dichlorobromomethane
cis-1,2-Dicholoroethylene
1,2-trans-Dicholoroethylene
1,2-Dichloropropane
2,4-D
Endothall
Methoxychlor
Nickel
Phenols
Styrene
Toluene
1,2,4-Trichlorobenzene
1,1,1,-Trichloroethane
Trichloroethylene (TCE)
Trihalomethanes (total)
Zinc

Group 4
Carbofuran
Carbon Tetrachloride
Chromium
Diquat
Di(2-ethylhexyl)phthalate
Tetrachloroethylene
Total Residual Chlorine
Vinyl Chloride

Group 5
Alachor
Aldrin
Antimony
Asbestos
Atrazine
Benzo(a)Pyrene
Beryllium
Cadmium
Chlordane
Chloropyrifos
Copper
Cyanide
4,4-DDT
Dibromochloropropane
3,3-Dichlorobenzidine
Dichloromethane
Dieldrin
Dinoseb
2,3,7,8-TCDD (Dioxin)
Endosulfan
Endrin
Ethylene dibromide
Heptachlor
Heptachlor epoxide
Hexachlorobenzene
Lead
gamma-BHC (Lindane)
Mercury
Parathion
Pentachlorophenol (PCP)
Polychlorinated Biphenyls (PCBs)
Polynuclear Aromatic Hydrocarbons (PAHs)
Selenium
Silver
2,4,5-TP (Silvex)
Simazine
Thallium
Toxaphene
1,1,2-Trichloroethane

*Pollutants that do not have a WQS

Appendix B – Potential, Effluent Flow vs. Stream Flow, and Percentage of WLA Limit Categories

Table A. Potential.

Potential	Category
< 5 %	1
6 – 10 %	2
11 – 20 %	3
21 – 50 %	4
> 50 %	5

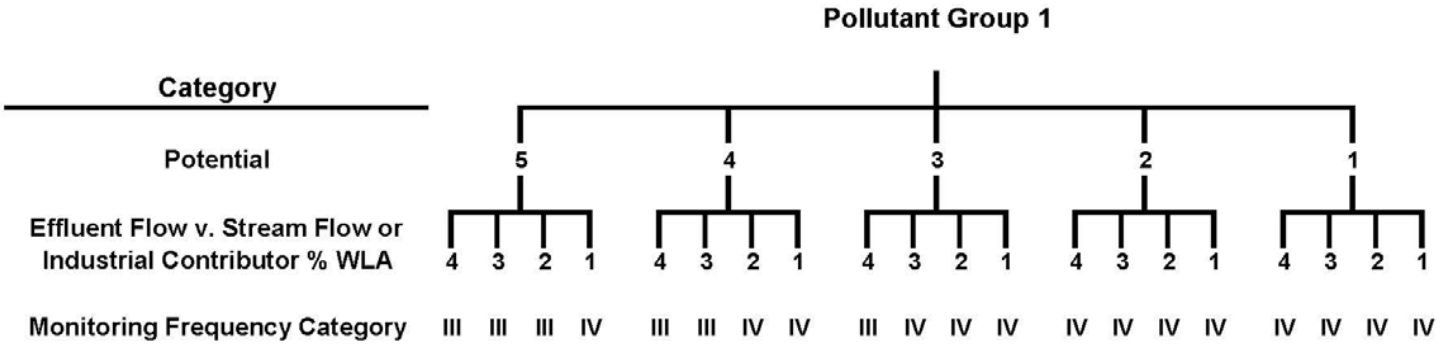
Table B. Effluent Flow vs. Stream Flow.

Effluent Flow vs. 1Q10 Stream Flow	Category
<10% of 1Q10	1
10-25% of 1Q10	2
25-50% of 1Q10	3
>50% of 1Q10	4

Table C. SIU Pollutant Percentage of WLA Limit.

% of WLA limit	Category
<10% of WLA limit	1
10-25% of WLA limit	2
25-50% of WLA limit	3
>50% of WLA limit	4

Appendix C - Monitoring Frequency Flow Charts



Monitoring Frequency	Monitoring Frequency Category
Greater than Biweekly	I
Biweekly - Weekly	II
Bimonthly - Monthly	III
Quarterly or Biannually	IV

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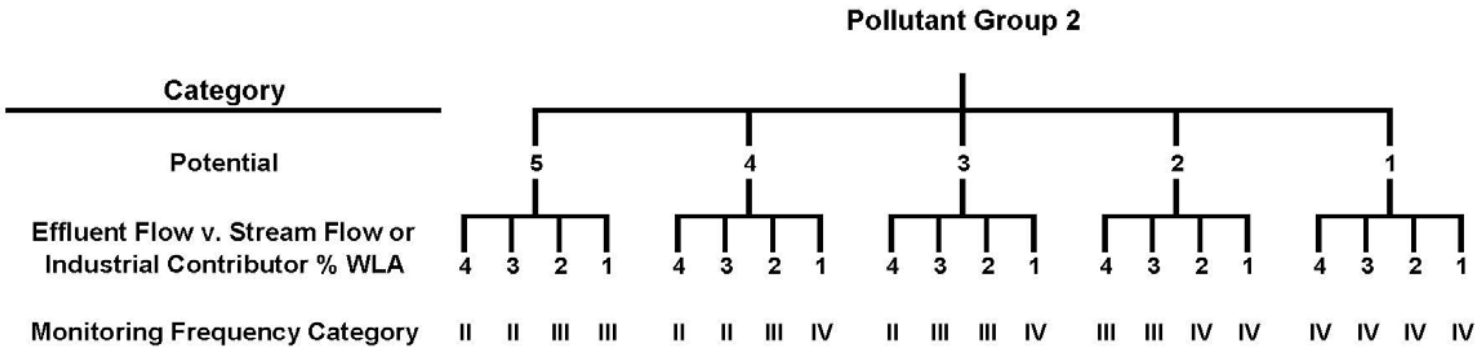

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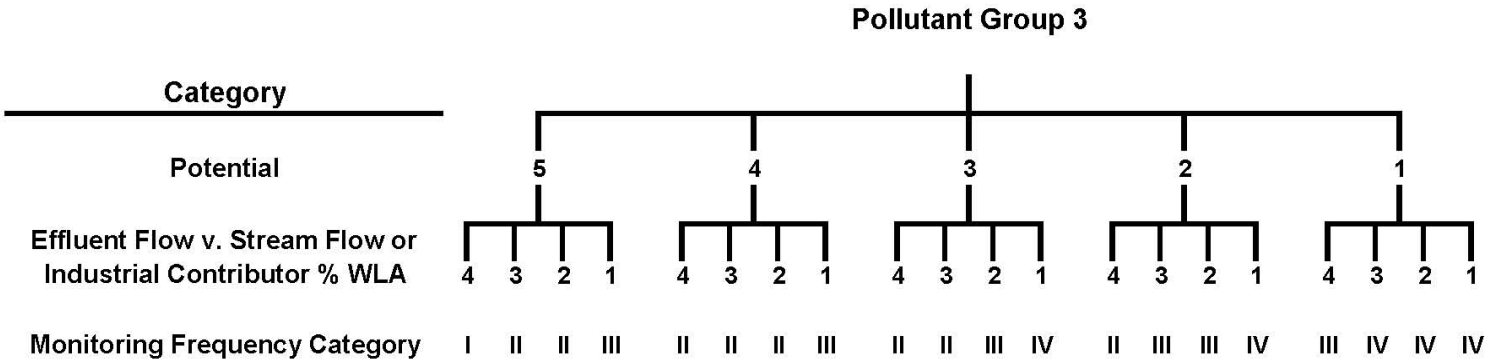

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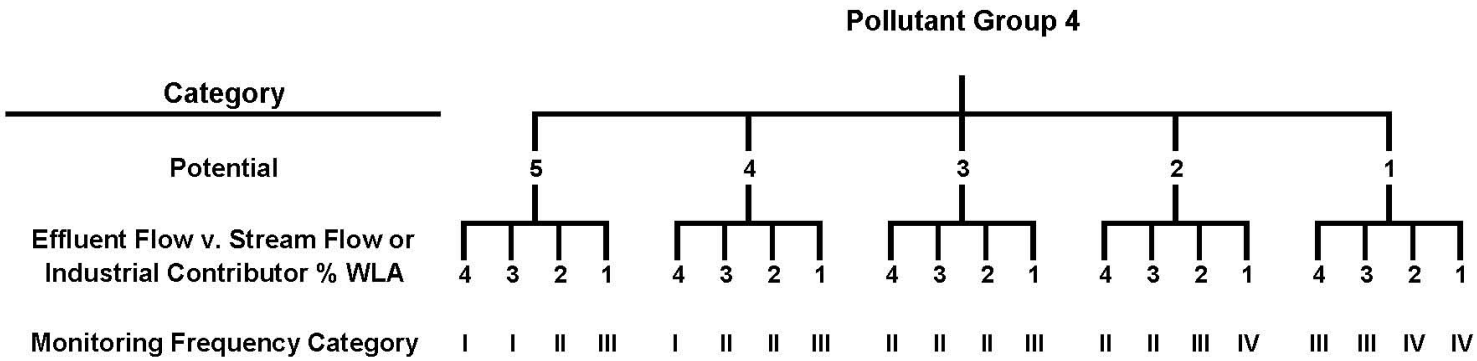

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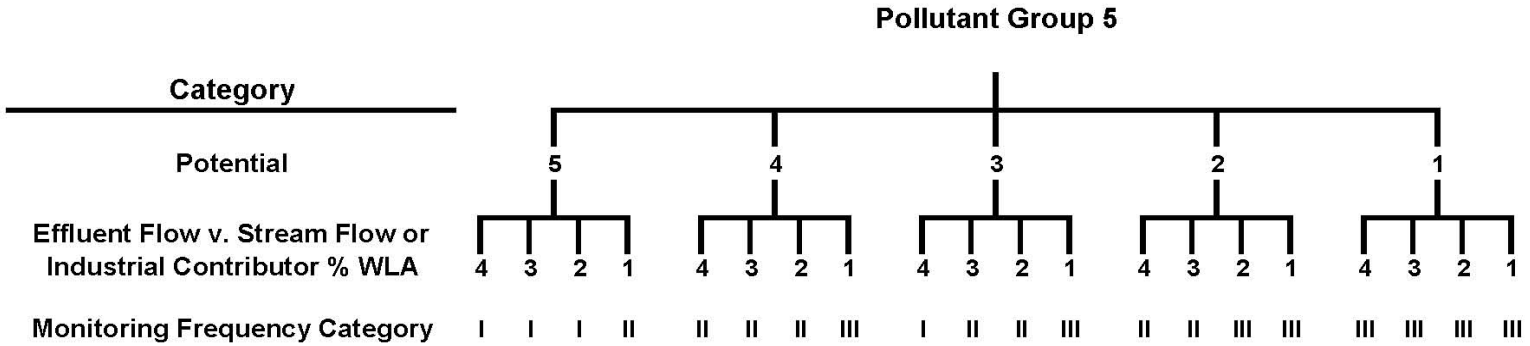

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PUBLIC PARTICIPATION RESPONSIVENESS SUMMARY

FOR

RULEMAKING ON CHAPTERS 60, 62, 63, AND 64

DEPARTMENT OF NATURAL RESOURCES

ENVIRONMENTAL SERVICES DIVISION

JANUARY 27, 2009

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RESPONSIVENESS SUMMARY

Introduction

This is a summary of and response to the comments received in response to amendments proposed for IAC 567 Chapters 60, 62, 63, and 64. This document also contains recommendations for final action by the Environmental Protection Commission (EPC). The proposed amendments were published as a Notice of Intended Action (NOIA) in the Iowa Administrative Bulletin on September 10, 2008 as **ARC 7152B**. The Administrative Rules Review Committee (ARRC) requested that the Department perform an informal Regulatory Analysis of the proposed amendments at their October 12, 2008 meeting. The informal regulatory analysis was presented to the ARRC on December 10, 2008.

The amendments as proposed in the Notice would:

For Chapter 60:

- Add definitions and new permit application forms
- Clarify language concerning permit applications

For Chapter 62:

- Clarify the procedure for calculating 30-day average percent removal
- Include language allowing the use of TMDLs to derive permit limits
- Add language on effluent reuse

For Chapter 63:

- Replace the language on bypasses and include language on sanitary sewer overflows
- Update monitoring requirements for all NPDES permits by increasing the base monitoring requirements and adding new monitoring requirements
- Remove the monitoring table for inorganic waste discharges and replace it with a rule-referenced document

For Chapter 64:

- Clarify the language regarding the issuance and denial of operation and NPDES permits
- Clarify the public notice requirements for NPDES permits
- Add language on public requests to amend, revoke and reissue, or terminate permits
- Add language on the determination of significant non-compliance

Three public hearings were held with notice of the hearings sent to various individuals, organizations, and associations, and to statewide news network organizations. The hearings were held on October 7, 8, and 9, 2008. Written comments were received through October 10, 2008.

One hundred seventy persons or groups provided oral or written comments on the proposed amendments during the public comment period. The responsiveness summary addresses all of the comments received. The comments received are addressed below in terms of the issue involved. The commentators' names are listed in the Appendix.

ISSUE: Comments in Support of the Proposed Rules

Comments:

A few comments were received in support of the proposed amendments. They are paraphrased below.

1. In general, the changes to the rules are appropriate and we support them
2. We support the DNR in better protecting our states' waterways by revising NPDES monitoring requirements
3. By adopting rules that upgrade antiquated monitoring requirements, the department will be better positioned to appropriately regulate wastewater discharges

Discussion:

We appreciate the comments in support of the proposed monitoring requirements. The final monitoring updates the minimum monitoring requirements for organic waste dischargers by increasing some of the current requirements and by adding new monitoring. The increase in the current monitoring allows for better operational control and compliance monitoring, thereby ensuring that all facilities will meet permit requirements and are properly operated.

Recommendation:

It is recommended that the EPC adopt the final amendments to Chapters 60, 62, 63, and 64.

ISSUE: Definitions of Bypass and Sanitary Sewer Overflow

(Chapter 60)

Comments:

Several comments were received in opposition to the proposed definitions for bypasses and sanitary sewer overflows (SSOs). These comments are paraphrased below.

1. The bypass definition differs from the definition in the Code of Federal Regulations
2. Bypasses should not be delineated at the headworks of a treatment facility
3. The bypass definition and bypass prohibition language imply that DNR would allow complete diversions around the wastewater treatment facility
4. SSO definition implies that an SSO would include wastewater backups into buildings that are caused by the municipal collection system, and this is an extension of NPDES permitting activities
5. It is problematic that the department is proposing to expand its jurisdiction to hold municipalities responsible for overflows that do not enter any receiving waters and/or that occur from private property
6. The definition would declare that overflows that do not originate from municipal sewers, such as basement backups, could be subject to a penalty for every instance whether or not they are possible to prevent
7. Bypass definition should be clarified concerning internal diversions; the definition is ambiguous as to whether "redundant treatment" is intended only to apply to maintenance diversions or to the design of the treatment works
8. The word "original" should be removed from in front of the word "design" in the bypass definition
9. Bypass definition should be clarified to indicate that bypasses that are undertaken for essential maintenance that do not cause a violation of effluent limits are allowable
10. The last sentence of the bypass definition is ambiguous; the term "partially treated waste" is unclear and blending should not be prohibited
11. The final sentence of the bypass definition potentially precludes the operation of some treatment facilities as designed

Discussion:

The proposed bypass and SSO definitions in the final amendments have been changed from those in the NOIA to address the above comments. The SSO definition has been combined with the bypass definition, as the final amendments do not reference SSOs. SSOs are no longer included in the proposed final amendments, as U.S. EPA has not yet modified the Code of Federal Regulations to specifically discuss SSOs. As a result of this combination, bypasses are no longer delineated at the headworks of the treatment facility, as noted in comment #2. The proposed removal of the language delineating bypasses at the headworks also eliminates the implication that a complete diversion around a wastewater treatment facility is not a bypass, as noted in comment #3.

The bypass definition in the proposed final amendments continues to differ from the definition in the Federal Code of Regulations, as noted in comment #1. For clarification purposes, the proposed bypass definition for the final amendments lists four types of overflows that will not be considered bypasses. The

inclusion of these four types of overflows does not result in a more stringent definition for bypass than that in the federal code.

The language in the SSO definition from the NOIA that states that SSOs do not include wastewater backups into buildings that are caused in the building lateral or private sewer line is proposed to be moved to the bypass definition. An overflow caused in a building lateral or private sewer line will not be considered a bypass and will not need to be reported to the department. However, overflows caused in the municipal collection system will be considered bypasses because such overflows are the responsibility of the collection system owner and they may endanger human heath or the environment. The department agrees with the commentors in comment #4 that this is an extension of the department's authority. The proposed final amendments will require the reporting of any bypass that may endanger human heath and the environment because either bypasses occurring in the collection system will not have any effluent limitations or it will be unknown whether there is an exceedance of an effluent limitation. In order for the department to adequately address problems created by bypasses, it is important to have a detailed description of all bypasses that may pose a risk to human heath or the environment, whether or not the bypass has exceeded an effluent limitation in the permit.

The department agrees with comments #6, 7, 8, and 9. The bypass definition in the NOIA did need clarification regarding internal bypasses. The bypass definition proposed in the final amendments separates internal operational waste stream diversions that are part of the design of the treatment works and maintenance diversions where redundancy is provided to clarify that redundancy is not necessary for internal operational waste stream diversions. The word "original" has been removed from in front of the word "design" in the proposed definition, as it was not clear what would be considered an original design. Internal operational waste stream diversions that are included in an approved design of the treatment facility at any time during the life of the facility will not be considered bypasses. Also, maintenance diversions where redundancy is provided will not be considered bypasses.

The bypass definition proposed in the final amendments does not imply that bypasses that are undertaken for essential maintenance are not allowable, as stated in comment #7. A bypass undertaken to perform maintenance of a treatment facility is allowable; however, the department needs to be informed of such a bypass where redundancy is not provided according to the final amendments proposed for 63.6(2), Anticipated Bypass. The permittee needs to notify the department of a maintenance bypass where redundancy is not provided because it could result in the discharge of partially treated waste that may or may not meet the NPDES permit limits.

The last sentence of the NOIA bypass definition that stated bypasses include internal waste stream diversions that result in partially treated waste being discharged, regardless of whether the partially treated waste is blended with treated waste before discharge, has been removed from the proposed final amendments. We agree with comments #10 and 11 which that this sentence is ambiguous and that the Federal Code of Regulations does not prohibit blending.

Recommendation:

It is recommended that the EPC adopt the modified definition of bypass as noted in the final amendments to Chapter 60, and exclude the definition of SSO that was proposed in the NOIA.

ISSUE: Definition of Discharge of a Pollutant

(Chapter 60)

Comments:

Several comments were received from owners and operators of animal feeding operations that indicated concern with the proposed definition "discharge of a pollutant". The comments are paraphrased below.

1. The definition should not include agricultural storm water
2. The definition should not be expanded to include livestock farms
3. Soil conservation and field tile drainage should not be included in the definition

4. The second sentence of the definition could be misinterpreted to expand the definition of point source to include USDA conservation practices, soil conservation practices, and soil drainage infrastructure
5. The definition should not include the term "waters of the state" as this created the potential for unintended consequences, such as requiring permits for persons washing out a grain bin or washing a car on their property

Discussion:

The definition "discharge of a pollutant" means any addition of any pollutant or combination of pollutants to navigable waters or waters of the state from any point source. The definition of point source states that return flows from irrigated agriculture or agricultural storm water runoff are not point sources. As the discharge of a pollutant is an addition of a pollutant from any point source, and return flows from irrigated agriculture or agricultural storm water runoff are not point sources, it follows that return flows from irrigated agriculture or agricultural storm water runoff are not a discharge of a pollutant. Thus, agricultural storm water and any USDA conservation practices consisting of return flow from irrigated agriculture are not being added to the definition of discharge of a pollutant.

It is appropriate for the definition of discharge of a pollutant to include the term "waters of the state". The department regulates discharges to waters of the state as well as discharges to navigable waters, so both terms need to be included when defining discharge of a pollutant. Any unintended consequences of this definition will be dealt with either in department Policy Implementation Guidance documents or in future rulemaking actions.

Recommendation:

It is recommended that the EPC adopt the definition "discharge of a pollutant" as noted in the NOIA.

ISSUE: Minor Permit Amendments

(Chapter 60)

Comments:

A few comments were received that indicated that the proposed rules did not include the requirement that minor permit modifications be made with the consent of the permittee.

Discussion:

40 CFR 122.63 indicates that a minor modification (amendment) may be made to a permit upon the consent of the permittee. This language was not included in the definition of minor permit amendment in the NOIA. The definition of minor permit amendment is proposed to be modified in the final amendments to indicate that minor amendments are those made with the consent of the permittee.

Recommendation:

It is recommended that the EPC adopt the modified definition of minor permit amendment as noted in the final amendments.

ISSUE: Definition of Pass Through

(Chapter 60)

Comments:

A few comments were received in opposition to the inclusion of the language "or contribute to" in the definition of pass through proposed in the NOIA.

Discussion:

The proposed definition of pass through in the NOIA stated "a discharge which, alone or in conjunction with a discharge or discharges entering the treatment facility from other sources, exits a POTW or semipublic sewage disposal system in quantities or concentrations which cause or contribute to a violation…" The definition at 40 CFR 403.3 does not include the language indicating a concentration that contributes to a violation will be considered pass through. As the language "or contribute to" would be more stringent than the Code of Federal regulations, the department has decided to propose the removal of this language from the definition of pass through in the final amendments to Chapter 60.

Recommendation:

It is recommended that the EPC adopt the modified definition of pass through as noted in the final amendments to Chapter 60.

ISSUE: Definition of Significant Industrial User (SIU)

(Chapter 60)

Comments:

A few comments were received in opposition to the fourth criteria in the definition of Significant Industrial User (SIU) included in the NOIA. The comments indicated that SIUs should be designated by the treatment facility, rather than by the department. The comments on the SIU definition also indicated that the definitions should allow pretreatment municipalities to designate a categorical industrial user as a non-SIU.

Discussion:

The fourth criterion in the NOIA definition of SIU states that an industry can be designated by the department as a significant industrial user on the basis that the contributing industry, either singly or in combination with other contributing industries, has a reasonable potential for adversely affecting the operation of or effluent quality from the POTW or for violating any pretreatment standards or requirements. This criterion is a re-wording of the fourth criterion in the current Major Contributing Industry (MCI) definition in 567 IAC Chapter 60. The MCI definition was replaced by the SIU definition in the NOIA. The NOIA language is not more stringent than the existing language. This language will not be changed in the final amendments, as the department believes that as the regulatory agency, it should continue to have the discretion to designate industries as SIUs, rather than the treatment facility.

The final paragraph of the SIU definition in the NOIA indicated that the department may, at any time on its own initiative or in response to a request received from an industrial user or POTW, determine that an industrial user is not a significant industrial user. Thus, a categorical industry may be designated as a non-SIU by the department. This language will not be changed in the final amendments for the same reason that the fourth criterion of the SIU definition will not be changed; the department believes that as the regulatory agency, it should have the discretion to designate industries as non- SIUs, rather than the treatment facility.

Recommendation:

It is recommended that the EPC adopt the definition "significant industrial user" as noted in the NOIA.

ISSUE: Submission of Permit Applications

(Chapter 60)

Comments:

A few comments were received that indicated language should be added to the subrule on permit applications indicating that a publicly-owned treatment works (POTW) is allowed to submit a renewal permit application later than 180 days before the expiration of a permit with the permission if the director. This is allowed by 40 CFR 122.21(d)(1).

Discussion:

The department agrees with the commentors. The sentence "for a POTW, permission to submit an application at a later date may be granted by the director" is proposed to be added to the subrule discussing complete permit applications, as required by the Code of Federal Regulations.

Recommendation:

It is recommended that the EPC adopt the modified language in subrule 60.4(2)"a"(1) and subrule 64.8(1)"a" as noted in the final amendments.

ISSUE: Requests to Modify a Schedule of Compliance

(Chapter 60)

Comments:

A few comments were received concerning the proposed changes to the section concerning schedules of compliance in Chapter 60. They are paraphrased below.

1. Requests to amend a permit schedule of compliance should be made 30 days in advance, rather than 60 days in advance as indicated in the current rule
2. Does the language "cause may include" indicate that other adequate cause may exist, or does it imply that the listed causes are not sufficient?

Discussion:

In the NOIA, the department proposed to require the submittal of a request to amend compliance schedule 60 days in advance to allow for adequate time to amend a permit to change a compliance schedule. If final compliance dates (such as complete construction or comply with final effluent limits) must be changed, the amendment is considered a major permit amendment that must be placed on public notice. As the public notice period extends for 30 days after the publication of the notice, it is impossible for the department to amend a compliance schedule in time for the facility to meet the new compliance dates. This would result in noncompliance with the original compliance schedule, even if the permit was in the process of being amended. In order to prevent facilities form being in noncompliance with their compliance schedule when their permit is being amended, the period of time for the submittal of an amendment request was changed from 30 to 60 days in the NOIA, as noted in comment #1.

The department agrees that under certain circumstances, it may be difficult for a facility to submit a request to amend a compliance schedule 60 days in advance. It is important for a facility to submit a request to amend a compliance schedule as soon as they are aware that a compliance date will not be met. If a facility must delay such a request until it is too late for the department to amend the permit before the next compliance date, the facility must accept the consequences of being in violation of their compliance schedule. In light of the commentors objections, the department has decided to leave the language as it is in the current rule. The proposed final amendment language will state that a request to amend a compliance schedule must be made at least 30 days prior to the next scheduled compliance date, rather than 60 days.

In the NOIA, the department added the word "may" to the sentence discussing causes where extensions may be granted for compliance schedules, as noted in comment #2. The existing language states "cause includes…" and the proposed language changes that phrase to "cause may include…" This change was made to indicate that the listed causes may not be the only reasons for granting an extension of a compliance schedule. The NOIA language does not suggest that the listed causes may not be sufficient to grant an extension of a compliance schedule.

Recommendation:

It is recommended that the EPC adopt the modified language in subrule 60.4(2)*b*(1) as noted in the final amendments.

ISSUE: Translation of Wasteload Allocations (WLAs) to Water Quality Based Effluent Limits (WQBELs)
(Chapter 62)

Comments:

A few comments were received that indicated concern with the proposed sentence in 62.8(2) which states that the translation of WLAs to WQBELs shall use Iowa permit derivation methods, as described in the "Supporting Document for Iowa Water Quality Management Plans," Chapter IV, July 1976, as revised on June 16, 2004 (Support Document-IWQMP). These comments are paraphrased below.

1. The proposed sentence will incorporate of all of the procedures in the Supporting Document-IWQMP, and we object to such an incorporation of the Supporting Document-IWQMP procedures
2. The implementation of established TMDL WLAs through effluent limits is unreasonable, arbitrary, and capricious

Discussion:

The sentence form the NOIA stating that WLAs are translated to WQBELs using the Iowa permit derivation methods in the Supporting Document-IWQMP is a codification of current procedure. The commentors objected to the NOIA sentence because, in their opinion, it could arbitrarily restrict the ability of the department to provide more reasonable permit limits that would meet all applicable standards. The NOIA sentence will restrict the ability of the department to use permit derivation methods that are not included in the Supporting Document-IWQMP. This restriction is intentional, as any alternative methods for the derivation of permit limits would need to go through the rulemaking process and be added to the Support Document-IWQMP. The final amendment language will not be changed as a result of comment #1.

The department does not agree with the commentators of comment #2 that the implementation of established TMDL WLAs through effluent limits is unreasonable, arbitrary, and capricious. The implementation of TMDLs through effluent limits is in accordance with the goal of the Clean Water Act, and the department will continue to include effluent limits from TMDL WLAs in NPDES permits.

Recommendation:

The department recommends that the EPC adopt the sentence on the translation of WLAs to WQBELs in subrule 62.8(2) as noted in the NOIA.

ISSUE: Pretreatment Streamlining Regulations
(Chapter 62)

Comments:

A few comments were received that indicated the department should adopt the federal pretreatment streamlining regulations if we had not already done so.

Discussion:

The federal pretreatment streamlining regulations were adopted by reference in 567 IAC Chapter 62 and were effective on November 15, 2006.

Recommendation:

No rule modifications are recommended.

ISSUE: Proposed Influent Sampling for 5-day Biochemical Oxygen Demand (BOD_5) and Effluent Sampling for 5-day Carbonaceous Biochemical Oxygen Demand ($CBOD_5$)
(Chapters 62 and 63)

Comments:

A few comments were received that indicated the monitoring for BOD_5 and $CBOD_5$ as proposed in Chapters 62 and 63 is not appropriate. These comments are paraphrased below.

1. The proposed rules should not mandate the use of $CBOD_5$ for effluent sampling in lieu of BOD_5
2. The proposed rules should not require that 5 units be added to the effluent $CBOD_5$ when calculating 85% removal
3. BOD_5 is not an appropriate design parameter or parameter for use in evaluating treatment process performance; the raw waste (influent) monitoring parameter of BOD_5 should be replaced with $CBOD_5$

Discussion:

The department has proposed in the NOIA that BOD_5 be used for influent sampling and $CBOD_5$ be used for effluent sampling for all organic waste dischargers. Comment #1 disagrees with this requirement, and the commentors suggested that $CBOD_5$ should only be substituted for BOD_5 at the request of the permittee. Currently, NPDES permits for organic waste dischargers require effluent sampling of $CBOD_5$. The NOIA requirement that mandates the use of $CBOD_5$ for effluent testing is a codification of current procedures. In addition, the department feels that the minimum monitoring parameters for organic waste dischargers should be the same. However, the proposed language in the NOIA for section 63.3(5) states that the minimum monitoring requirements may be modified when requested by the permittee, allowing facilities who wish to test for BOD_5 to submit a variance request.

Comment #2 indicates that the rules should not require the addition of 5 units to the effluent $CBOD_5$ value to calculate 85% removal. The department agrees that the 5 unit difference between $CBOD_5$ and BOD_5 may not be accurate in all cases, and the amendments as proposed in the NOIA state that site-specific information on the relationship between BOD_5 and $CBOD_5$ shall be used in lieu of the 5-unit relationship if such information is available.

After careful consideration of EPA's guidance on and discussions of BOD_5 and $CBOD_5$, of the comments from department and stakeholder engineers, and of the scientific literature concerning the influent and effluent sampling of BOD_5 and $CBOD_5$, the department has decided to remain with the NOIA proposal of sampling of BOD_5 influent and $CBOD_5$ effluent. The department acknowledges that there has been research indicating that $CBOD_5$ is an appropriate measure of influent waste strength, and that $CBOD_5$ could be used for influent waste sampling, as indicated in comment #3. However, there is also research indicating that BOD_5 is the appropriate measure for influent waste strength. The scientific research regarding the effectiveness of both BOD_5 and $CBOD_5$ for influent and effluent wastewater is ambiguous at this time. If new guidance from EPA or new research indicates that one parameter should be used in place of the other for influent or effluent wastewater, the department will reopen the monitoring tables in Chapter 63. Until that time, the final amendments will recommend sampling of BOD_5 for influent wastewater and $CBOD_5$ for effluent wastewater.

Recommendation:

It is recommended that the EPC adopt the BOD_5 and CBOD5 language and monitoring in Chapters 62 and 63 as proposed in the NOIA.

ISSUE: Effluent Reuse on Golf Courses

(Chapter 62)

Comments:

A few comments were received regarding the new subrule on Chapter 62 of effluent reuse for golf course irrigation. These comments are paraphrased below.

1. "Treated final effluent" does not appear to be defined in terms of water quality to enable a disinfection system to be selected irrespective of the treatment technology chosen
2. Subrule 62.10(1)"a"(1) limits disinfection technology to chlorine only; this is restrictive to UV and other disinfection technologies
3. Subrule 62.10(1)"a"(2) appears to define the disinfection required for treated final effluent where site facilities exist for storage of the disinfected effluent
4. Without a disinfection target it is not possible to correctly size a disinfection system

Discussion:

The term "treated final effluent" as used in the NOIA means effluent that has been treated at a wastewater treatment facility. This term does not need to be defined as noted in comment #1. This proposed subrule describes what must occur after effluent is treated appropriately with any available technology at a wastewater treatment facility. It does not limit the type of disinfection technology that can be used at a treatment facility; it states that either a minimum total residual chlorine level must be maintained or the disinfected effluent shall be held in a retention pond. One or the other of these conditions is necessary. If one condition cannot be met with the treatment technology available at the wastewater treatment facility, the other should be met. The design and sizing of a disinfection system is depended upon the type of wastewater treatment facility and the water quality standards. The disinfection target for a treatment facility should always be the final effluent limit, regardless of whether or not the treated final effluent is used for golf course irrigation.

Recommendation:

It is recommended that the EPC adopt the effluent reuse language in subrule 62.10(1) as proposed in the NOIA.

ISSUE: Bypasses, Sanitary Sewer Overflows, and Upsets

(Chapter 63)

Comments:

Several comments were received in opposition to the proposed regulatory language for bypasses, SSOs, and upsets. These comments are paraphrased below.

1. SSO language is based on draft guidance from EPA, not on federal regulations
2. Elimination of all SSOs cannot be reasonably expected
3. The effect of the SSO rules would be to make continuous compliance practically impossible
4. Municipalities who designed their collection systems in accordance with state design standards would now be in violation and subject to liability due to the proposed SSO language
5. Costs of SSO and blending prohibition would be astronomical
6. Proposed SSO language does not take the wastewater design standards into account
7. An occurrence of a bypass or upset does not provide the state authority to unilaterally impose new requirements on the permittee
8. The department cannot precondition the upset defense to compliance with other requirements
9. Municipalities should work cooperatively with the department but the department should not have a blank check to impose new requirements
10. Public notice should not be required for bypasses, SSOs, and upsets
11. Bypass rule could eliminate combined sewer overflow (CSO) related bypassing
12. Voicemail reporting should be sufficient if direct communication with department staff is not achievable

13. We cannot support the requirement that operators notify DNR within twelve hours unless the rain event exemption is reinstated as there is no a solution to a bypass caused by excessive rainfall
14. DNR should exempt rain bypass events from the proposed additional reporting requirements
15. The proposed rule says that bypasses and SSOs are prohibited, but the exemptions in the rule essentially counteract the prohibition
16. There are far too many bypasses and SSOs and the proposed rule does not address this situation
17. We support the language describing the process to be used by operators when anticipating a bypass; the language provides a good framework for operators to utilize

Discussion:

The department, after consideration of the Federal Code of Regulation and EPA guidance on SSOs, has decided to eliminate the references to SSOs in the bypass language in the proposed final amendments. EPA has not yet modified the Code of Federal Regulations to specifically discuss SSOs, so there is no need to discuss them in the department's rules at this time. The elimination of the SSO language addresses several of the comments noted above.

As noted in comments #7, 8, and 9, some commentors expressed concern with the provisions in 63.6(4), 63.6(5), 63.3(6) which require permittees to perform additional monitoring, sampling or analysis requested by the department, comply with the instructions of the department intended to minimize the effects of a bypass or upset, and report any subsequent findings or additional information requested by the department. The department intended in the NOIA to require additional monitoring, sampling, and analysis only of the bypass or upset rather than implying that any monitoring, sampling, or analysis may be requested by the department. The NOIA language has been changed in the proposed final amendments to indicate that the additional monitoring, sampling, and analysis is of the bypass or upset only. The additional monitoring, sampling, or analysis of a bypass or upset is necessary to determine the effect of the bypass or upset upon human heath and the environment. Without sampling data, it is only possible to guess at the effect of a bypass or upset. For these reasons, the final amendments propose to include the monitoring, disinfection, and cleanup requirements for bypasses and will precondition the upset defense to comply with these requirements.

When the effects of a bypass could be detrimental to human heath or the environment, additional disinfection and cleanup is warranted. The cleanup and disinfection requirements proposed in the NOIA are intended to ensure that bypasses are dealt with appropriately; thus, they will not be changed in the final amendments.

The purpose of subrule 63.6(2) as proposed in the NOIA is to specify what information the department needs for approval of an unanticipated bypass. The department did not intend to imply that the permittee must provide any additional information requested by the department concerning an unanticipated bypass. Thus, subrule 63.6(2)c has been removed from the final amendments. In addition, 63.6(4) has been modified from the NOIA to require only the submission of additional information concerning the steps taken to minimize the effect of a bypass, rather than any information on the bypass.

Comment #10 indicates that public notice should not be required for bypasses as the Federal Code of Regulations does not require it. However, the department believes that the public and downstream users should be informed when a bypass has occurred. Currently, the department often prepares a public notice when a bypass occurs. Such a notice should be the responsibility of the party causing the bypass rather than the responsibility of the department. The language proposed in the NOIA allows the DNR to determine when public notice is necessary, thus many small or precipitation-related bypasses will not require public notice. The NOIA language requiring public notice at the discretion of the department will not be removed from the proposed final amendments.

The bypass language in the proposed final amendment does not include reference to CSO-related bypassing. CSO regulations will not be affected by the proposed final amendments, thus comment #11 is moot. The department decided that the paragraph in the NOIA indicating that voicemail was not an acceptable means of reporting was unnecessary, and this paragraph has been removed from the proposed final amendments. The removal of this paragraph addresses comment #12.

Comments #13 and 14 indicate that bypass events caused by excessive rainfall should be exempted from the twelve-hour bypass reporting requirements. The department disagrees; all bypasses, regardless of cause, need to be reported within twelve hours. It is not always clear whether or not a bypass is precipitation related or not; thus, every bypass should be reported. Frequent bypassing can be an indicator of problems in a collection system or treatment facility and all bypass events must be taken into account when designing or upgrading a collection system or treatment facility. The proposed final amendments will keep the twelve-hour reporting language noted in the NOIA.

The exemptions to the bypass prohibition in the NOIA are not intended to counteract the prohibition as noted in comment #15. The exemptions are from the Code of Federal Regulations, and they provide the owners of treatment facilities and collection systems protection from liability for planned maintenance bypasses and unavoidable bypasses. The department may take enforcement actions against treatment facilities or collection systems when a bypass does not meet the specific requirements in subrule 63.6.

This proposed subrule is not intended to dictate how many bypass may occur in the state, as noted in comment #16. The intent of the subrule is to clarify what constitutes a bypass and the responsibilities of the department, treatment facilities, and collection systems in response to bypass events. We appreciate the support of the proposed anticipated bypass language noted in comment #17.

Recommendation:

It is recommended that the EPC adopt the modified bypass subrule as noted in the final amendments to Chapter 63.

ISSUE: Reporting of any Monitoring not Specified in the Operation Permit

(Chapter 63)

Comments:

A few comments were received indicating that the proposed language in 63.9 should be clarified to state that the additional monitoring required to be included in the calculation and reporting of data should be performed at the compliance monitoring point and in accordance with the analytical procedures in 40 CFR Part 136. The commentors stated that otherwise, the additional data reported would be meaningless.

Discussion:

The department agrees that the NOIA language needs clarification. It was implied that the additional monitoring required to be included in the calculation and reporting of data was to be performed at the compliance monitoring point and in accordance with the analytical procedures in 40 CFR Part 136, but the proposed rule should state this specifically. The proposed final amendments include the phrase “performed at the compliance monitoring point and analyzed according to 40 CFR Part 136” to clarify the intent of the rule.

Recommendation:

It is recommended that the EPC adopt the modified subrule 63.9 as noted in the final amendments.

ISSUE: Twenty-four Hour Reporting

(Chapter 63)

Comments:

A few comments were received indicating that the proposed language on twenty-four hour reporting in 63.12 is overbroad, and the regulated community will not know what it means.

Discussion:

The language on twenty-four hour reporting proposed in the NOIA for subrule 63.12 is identical to the

language in 40 CFR 122.41(6)(ii) and the Standard Conditions of all NPDES permits with one exception: the proposed language details where in the Code of Federal Regulations the list of toxic pollutants and definition of hazardous pollutants can be found. The NOIA language is not overbroad, as it is almost identical to the Code of Federal Regulations and the Standard Conditions.

Twenty-four hour reporting is already required by all NPDES permits, and as such, it should be understood by all permittees. The NOIA language will help to clarify where additional information on toxic pollutants and hazardous substances may be found to assist with the required reporting. The is no need to change the NOIA language on twenty-four hour reporting, as it already provides more clarification than the Code of Federal Regulations and the Standard Conditions in all NPDES permits.

Recommendation:

It is recommended that the EPC adopt the amendments to Chapter 63.12 as proposed in the NOIA.

ISSUE: Costs and Overall Impact of the Proposed Monitoring

(Chapter 63)

Comments:

Eighty-one comments were received that indicated the monitoring for Chapter 63 as proposed in the NOIA would be too costly for the citizens of Iowa. These comments are paraphrased below.

1. Costs would cause a hardship on small communities
2. If rural communities continue to be burdened with costly endeavors there will be no such place as rural communities anymore
3. Our town cannot afford this, people just won't pay their bills
4. The economy is already bad, and things are already difficult for many citizens, this will only increase their burden
5. Our town cannot handle further debt
6. These higher costs are not justifiable
7. Many of our citizens are on a fixed income and cannot afford this
8. The cost increases would put an undo rent increase burden on out tenants that are barely getting by now
9. The new monitoring will easily double if not triple the costs of sampling and testing
10. We would have to purchase al least one new sampler, which is another additional expense, and we will have to purchase these expensive samplers every three to five years
11. Our city is not in the financial position to be able to purchase the equipment necessary to administer the increase in testing
12. The cost of monitoring for facilities subject to the proposed Table II requirements is nearly four times the cost of the monitoring for facilities subject to the proposed Table III requirements
13. Citizens maybe forced out of their homes and have to move to different towns where the sewer rates are lower
14. The high cost of the proposed monitoring could prevent unsewered communities from operating a central wastewater treatment system
15. The proposed changes are a giant step back from all our hard work in finding affordable solutions for the very small communities in Iowa
16. Some municipalities could unincorporate and turn their sewer systems over to the county because the city would no longer be able to afford the high sewer rates
17. Unincorporation of small communities as a necessary response to this rule in order to manage the cost of wastewater treatment does not seem to further the overall goals of the department
18. We cannot endure costly increases in the monitoring of a system that was just recently approved by DNR
19. It won't be long until the ratepayers cannot afford to pick up the tab for new rule requirements anymore
20. Smaller towns are going to be spending their money on unneeded testing instead of upgrading their treatment processes and collection systems
21. The proposed monitoring will hurt our ratepayers who are already struggling with high costs due to DNR regulations

22. Costly additional sampling equipment will probably be required with the new monitoring rules
23. We just did an upgrade and we might have to do another because of the new stream regulations, we cannot afford this on top of those upgrades
24. These rules have the potential to put many municipalities out of compliance, municipalities who have taken good faith actions and put forward large expenditures
25. We have already determined to take the heavy burden of cost to do what is right and move forward with a compliance sewer system, the additional monitoring would force us to place an even larger burden on our people, hurting our community
26. As soon as we meet DNR requirements the rules are changed again
27. The increased costs would deter industries and businesses from entering the state
28. Our money would be better spent complying with existing permit limits
29. Money would be better spent repairing or improving infrastructure (collection systems)
30. Will the DNR help cities pay for the additional monitoring?
31. The DNR should pay for the additional testing if they need the additional information
32. The DNR should send teams around during discharges from lagoons and get the data and proof they want, then the towns won't have to pay for it
33. This appears to be an attempt by the DNR to mandate that all communities do the DNR's "information gathering" at the taxpayers' expense
34. Increased monitoring costs should be absorbed by the DNR if they are not legally mandated by law
35. If additional data is needed to understand how systems operate, we suggest that DNR fund a monitoring program and not place the burden on poverty communities
36. This is an unjustified expense as we have not been shown that there is a problem with our wastewater effluent or our receiving stream
37. It is our understanding that if a system is operating properly, the additional monitoring is an unnecessary additional cost to homeowners
38. Why must additional monitoring now be added for controlled discharge lagoons when the water in the lagoons has not been below standards before?
39. Increased monitoring will not make water quality better, site-specific monitoring should be proposed instead
40. The high cost impact can only be justifies in those instances where systems fail to meet their effluent limits; DNR could then manage those systems without unnecessarily impacting those systems who consistently meet their permit requirements
41. Increasing the monitoring for the towns in Iowa will not reduce the pollution to the streams of the state
42. We fail to see where these tests will improve the operation of any facilities
43. We fail to see that there is a problem with existing systems being in noncompliance
44. There should be a provision for plants that are operating way under their limits to apply for reduced monitoring
45. The base monitoring will never get lower, it will always stay the same

Discussion:

A letter providing information on the proposed rules and requesting the submittal of anticipated cost information was sent out to many cities by the Iowa Rural Water Association and the Iowa League of Cities on September 25th, 2008. This letter included the monitoring tables for Chapter 63 as proposed in the NOIA. We appreciate these entities efforts to inform stakeholders of the proposed rules and to generate comments on the rules. However, important information clarifying the specifics of the proposed monitoring was left out of the letter, leading some communities to misinterpret the proposed monitoring tables and overestimate their anticipated costs. As such, some of the comments included above were made assuming the costs would be much higher than the actual costs of the monitoring proposed in the NOIA.

However, the department agrees that the costs of the monitoring proposed in the NOIA were significant. In order to reduce the costs to the citizens of Iowa, the monitoring in Chapter 63 of the proposed final amendments has been reduced from that in the NOIA. Several significant changes were made to the monitoring tables.

In Table I for Controlled Discharge Lagoons (CDLs), four changes were made from the NOIA. First, the requirement to monitor Total Nitrogen (TN), Total Phosphorus (TP) has been removed for all CDLs. Second, all of the sample frequencies for CDLs have been changed to per drawdown rather than per week or month in order to clarify when effluent sampling is required. Third, the sampling frequency for *e.coli* monitoring for the CDLs with a Population Equivalent (PE) greater than 100 has been changed from once every two weeks to twice per drawdown, so that *e.coli* sampling frequencies will be similar to the sampling frequencies for other parameters. Fourth, with the exception of one-cell CDLs, the monitoring frequencies for the parameters in the less than 100 PE category have been reduced to match the current rules. The monitoring for two and three cell CDLs with a PE of less than 100 will not increase in the final amendments. For one-cell lagoons with a PE of less than 100, a superscript has been added to indicate that the sampling frequencies for Total Suspended Solids (TSS) and Carbonated Biochemical Oxygen Demand ($CBOD_5$) will be twice per drawdown, to allow for better operational control and compliance monitoring of one-cell lagoons as these lagoons do not meet the current wastewater design standards.

The two tables that were proposed in the NOIA for continuously discharging facilities (Tables II and III) have been combined into one table (Table II). The table in the final amendments is similar to the current Table II in Chapter 63. The two proposed tables were combined as the monitoring reductions resulted in identical monitoring for all types of continuously discharging facilities.

The proposed monitoring in the final amendments for Total Nitrogen (TN), Total Phosphorus (TP), and Total Kjeldahl Nitrogen (TKN) has been reduced. The proposed TN, TP, and TKN sampling requirements in the NOIA were added to data to assist the DNR in the development of nutrient water quality standards and TMDLs to insure that appropriate limits are placed in TMDLs and subsequent NPDES permits. Similar results will be achieved with a reduction in the sampling frequency. The proposed TN and TP monitoring in the NOIA for all controlled discharge lagoon facilities and for small continuously discharging facilities has been removed, and the frequency of monitoring for TN, TP, and TKN for the larger continuously discharging facilities has been decreased to half of the frequency proposed in the NOIA. The TN, TP, and TKN monitoring is the major monitoring increase for the large continuously discharging facilities.

The significant cost associated with the monitoring tables proposed in the NOIA for small continuously discharging facilities is the cost of installing new wastewater sampling equipment. Currently, small continuously discharging facilities are not required to take samples of their influent (raw) wastewater and are required to take very few samples of their effluent (final) wastewater. The monitoring tables proposed in the NOIA required new influent wastewater sampling and increased the number of effluent wastewater samples for small continuously discharging facilities, resulting in the requirement to obtain new sampling equipment.

Federal rules require that 85% of total suspended solids (TSS) and biochemical oxygen demand (BOD) be removed during treatment at all wastewater facilities. The 85% removal cannot be calculated without both influent and effluent samples; thus, influent sampling was proposed in the NOIA for small continuously discharging facilities. This requirement cannot be waived as it is a federal requirement. The DNR considered removing the influent samples, but in order to comply with federal rules and determine if these small facilities are complying with their permits, the influent monitoring as proposed in the NOIA and the associated sampling equipment are necessary, and will not be changed in the final amendments.

The monitoring tables proposed in the NOIA increased the amount of effluent samples required for the small continuously discharging facilities, as effluent samples are currently taken infrequently. However, to offset the costs of the required influent monitoring, the effluent monitoring in the proposed final amendments for small continuously discharging facilities has been kept at the levels in the current rule for several parameters. The frequency of the monitoring for ammonia nitrogen and *e.coli* for the less than 100 and 101 to 500 PE categories was not reduced in the proposed final amendments, due to the monthly ammonia limits and *e.coli* geometric mean required by 567 IAC Chapter 61 (Water Quality Standards). The monitoring frequencies for all of the parameters in the 501 to 1000 PE category, with the exceptions of TSS and *e.coli*, were reduced to the levels in the current Table II of Chapter 63. The monitoring frequency for TSS in the proposed final amendments is higher than the current Table II in order to provide better operational control and compliance monitoring, and the *e.coli* monitoring frequency must comply with the Water Quality Standards. The TSS monitoring for the facilities with a PE between 1000 and 15,000 in the proposed final amendments has decreased from that in the NOIA.

Two of the comments on the proposed monitoring indicated that the base monitoring requirements should not be static. The NOIA language in subrule 63.3(5) allows for the modification or reduction of the minimum monitoring requirements at the departments discretion when requested by the permittee. If a permittee can adequately justify their request for reduced monitoring as noted in 63.3(5), the monitoring requirements in the permit can be adjusted.

Recommendation:

It is recommended that the EPC adopt the modified monitoring tables for Chapter 63 as noted in the final amendments.

ISSUE: *E.coli* Monitoring and Six Hour Holding Time

(Chapter 63)

Comments:

Several comments were received that concerned the proposed *e.coli* sampling requirements and holding time. These comments are paraphrased below.

1. Sampling for *e.coli* is not something most cities are equipped to do, the samples will have to be driven to labs
2. The *e.coli* sampling will be a tremendous burden; an employee will have to be away from the treatment plant for 4 to 5 hours on the 15 days per year that *e.coli* sampling is required
3. On a per capita basis, the costs to the small communities if the new *e.coli* monitoring will be significantly larger with relatively small benefits to its citizens; we recommend that monitoring requirements be altered to reflect the size of a community
4. We recommend that DNR adopt a new protocol for *e.coli* testing that allows for increased holding times to minimize the disruption to system management and cost
5. The six hour hold time will require *e.coli* samples to be driven to a lab, resulting in extra emissions from exhaust and more cars on the road
6. It will take time and employees to deliver these samples to a certified laboratory, taking time away from the treatment plant and from staff's other duties
7. The DNR is underestimating the cost and time that it will take for us to comply with the new requirements
8. The six hour drive to the lab for the *e.coli* sampling is absurd with the cost of gas, time, and manpower
9. Operators will be have to be paid for the time and mileage to drive samples to the lab
10. Small communities may not be able to spare the staff to drive the samples to the lab
11. If there have been no outbreaks of *e.coli* in our receiving stream, why do we have to monitor for it?
12. Small controlled discharge lagoons should not be required to monitor for *e.coli*
13. Will there be any allowance for facilities who cannot make the six hour holding time?
14. The gathering of *e.coli* data will lead to another round of more stringent regulations which will further impact our rates

Discussion:

The significant cost associated with the *e.coli* sampling proposed in the NOIA for controlled discharge lagoons is the cost of transporting *e.coli* samples to the laboratory. The sampling method for *e.coli* established in the federal Standard Methods requires a six-hour holding time for all *e.coli* samples. In practice, this means that a bacteria sample cannot be mailed overnight to a laboratory; the sample must be driven to the laboratory so that it is received by the laboratory within the required six hours. In the proposed NOIA, operators of controlled discharge lagoons would be required to spend approximately four hours delivering *e.coli* samples to a laboratory each time a sample is required.

The six-hour holding time requirement for *e.coli* samples is based on federal rule and it cannot be changed. The DNR considered dropping the *e.coli* sampling requirement for CDLs, but the bacteria sampling noted in the NOIA is necessary to ensure that these facilities meet water quality standards. For

several years, the DNR has assumed that well-operated and designed CDLs meet water quality standards. However, there is little data to support this assumption. If the DNR does not have *e.coli* sampling data to prove that CDLs can meet water quality standards, effluent bacteria limits will be necessary in the permits for CDLs. Rather than requiring all CDLs to meet bacteria limits (which would require more sampling), the DNR is proposing to require that CDLs sample only enough to prove that they can meet water quality standards without permit limits. The six-hour holding time for *e.coli* samples will not be changed and the proposed *e.coli* sampling requirement will not be removed from the proposed final amendments in order that CDLs can prove they meet water quality standards according to federal bacteria sampling methods without further sampling or permit limits.

To defray some of the costs associated with *e.coli* sampling for CDLs, the *e.coli* monitoring requirements in the NOIA table for CDLs have been changed in the proposed final amendments to samples per drawdown rather than per month or per week. This will result in less sampling for lagoons that drawdown for more than four weeks.

The *e.coli* sampling requirements for continuously discharging facilities in Table II of the proposed final amendments have not been changed. The requirement to sample for bacteria when a bacteria limit is included in the permit is an existing requirement for continuously discharging facilities. The proposed NOIA changed the bacteria parameter from fecal coliform to *e.coli* and included the six hour holding time for *e.coli*, but these proposed changes are based on a 2005 change in 567 IAC Chapter 61, Water Quality Standards (WQS). Permits that have been renewed in the last year for continuously discharging facilities with bacteria limits already include *e.coli* limits and monitoring, as permit limits are based on the WQS.

In light of the high costs associated with the required six hour holding time, the department is working with testing laboratories across the state to allow for the testing of *e.coli* samples that arrive at a lab within 30 hours. Every reasonable attempt must be made to deliver the samples to the laboratory within 6 hours of collection, but samples received between 8 hours and 30 hours of collection may be analyzed. However, the final results must be flagged as "conditional results" and the reason given on the analytical report. Samples received after 30 hours of collection must be rejected. The department will continue to pursue avenues to change the six hour holding time with U.S.EPA.

Recommendation:

It is recommended that the EPC adopt the modified monitoring tables for Chapter 63 as noted in the final amendments.

ISSUE: Total Nitrogen, Total Phosphorus, and Total Kjeldahl Nitrogen Monitoring

(Chapter 63)

Comments:

Several comments were received that questioned and were in opposition to the proposed monitoring for Total Nitrogen (TN), Total Phosphorus (TP), and Total Kjeldahl Nitrogen (TKN). These comments are paraphrased below.

1. General public should not pay for the DNR to gather data
2. If DNR needs this information, they should gather it and pay for it themselves
3. DNR should eliminate the monitoring requirements for TN and TP
4. The argument that we need this information to develop standards and rules is valid, but should not be done at the expense of the residents of the small communities
5. Small communities should not have to bear the burden of developing new standards for nutrients
6. It is premature for DNR to require all wastewater treatment facilities regardless of size to conduct TN and TP monitoring when the imposition of the yet-to-be defined nutrient standards may only apply to major dischargers
7. Instead of imposing TN and TP requirements, the DNR should establish an empirical data collection effort funded by the general fund or other monitoring dollars
8. This information is not necessary to protect the environment

9. What is DNR going to do with the information it obtains on TN and TP if there are no limits established?
10. The DNR needs to set standards for these parameters before imposing new monitoring requirements
11. It is not necessary to add monitoring for TN and TP as there are no standards for these pollutants
12. Proposed TKN monitoring is excessive and will be costly
13. These analytes don't have any standards and are not included in our current permits, so they should not be in future permits
14. If there is no phosphorus present in the receiving stream, why do we have to sample for it?
15. The major contributors of nitrogen and phosphorus to the streams in Iowa are non-point source dischargers, not municipalities; thus, municipalities should not have to pay for additional TN and TP monitoring when they are not causing the problem
16. Most major cities have voluntarily monitored for TN and TP in the past and would do so again in the future
17. Since there are no effluent limits for TN and TP, the cost to monitor is unnecessarily burdensome to cities
18. Why not only require TN and TP monitoring for those treatment plants that are on streams that will have a TMDL?
19. TN should be removed and the two separate parameters of nitrate + nitrate and TKN should be added for the final effluent
20. TN footnote does not adequately detail how to analyze TN

Discussion:

As noted in the response for the issue of costs and overall impact of the proposed monitoring, the proposed TN and TP monitoring for all controlled discharge lagoon facilities and for small continuously discharging facilities has been removed from the proposed final amendments, and the frequency of monitoring for TN, TP, and TKN for the larger continuously discharging facilities has been decreased to half of the frequency proposed in the NOIA. This removes the nutrient sampling burden from small communities.

The department considered requiring TN and TP only for those facilities on streams with nutrient impairments as noted in comment #19, but after consultation with the TMDL section, it was determined that only a small percentage of the state is not in a watershed with a potential nutrient impairment. Restricting the TN and TP monitoring in this fashion would exclude very few facilities.

The footnote for TN and TP analysis was expanded in the proposed final amendments to detail how TN will be analyzed and how both TN and TP shall be reported. This information will be included in NPDES permits. The alteration of the footnote addresses the concerns in comments #19 and 20.

Recommendation:

It is recommended that the EPC adopt the modified monitoring tables for Chapter 63 as noted in the final amendments.

ISSUE: Construction Permit for Wastewater Disposal Systems

(Chapter 64)

Comments:

One comment was received indicating that a defined term should be used in the subrule stating that no person shall construct, install or modify any wastewater disposal system or part thereof… without, or contrary to any condition of a construction permit.

Discussion:

The proposed NOIA included the definition for the term "disposal system" from Iowa Code 455B.171. Subrule 64.2(1) as proposed in the NOIA uses the term "wastewater disposal system". In this subrule, the

word “wastewater” modifies the defined term “disposal system”. There is no need to definite “wastewater disposal system” or to alter the subrule to include a different term.

Recommendation:

It is recommended that the EPC adopt the language in subrule 64.2(1) as proposed in the NOIA.

ISSUE: Privately Owned Pretreatment Facility

(Chapter 64)

Comments:

One comment was received indicating that the last sentence proposed in 64.2(8)“c”, which states “however, the department may require that the design basis and construction drawings be filed for information purposes” is unclear and should either be deleted or reworded.

Discussion:

The final sentence in the NOIA language for 64.2(8)“c” is intended to allow the department to request submittal of the design basis and construction drawings for an unpermitted private pretreatment facility if any question arises as to the effectiveness of the pretreatment system. As such a system will not require a construction permit from the department, the only way to obtain the design information will be to request it. The department feels that the final sentence of the NOIA rule clearly states that design information may be requested of privately pretreatment facilities when necessary. The sentence does not need to be rewritten or deleted.

Recommendation:

It is recommended that the EPC adopt the language in subrule 64.2(8)“c” as proposed in the NOIA.

ISSUE: Moving the Requirement to Obtain a Permit for Concentrated Animal Feeding Operations

(Chapter 64)

Comments:

A few comments were received indicating that the requirement for discharges from concentrated animal feeding operations (CAFOs) to obtain a permit should remain under the operation permit requirements in 64.3 rather than the NPDES permit requirements in 64.4, because an operation permit applies to discharges to waters of the state, and an NPDES permit only applies to discharges to navigable waters. The commentors stated that CAFOs discharge to and impact various types of waters, not just navigable waters, so the CAFO permitting requirements should remain under the operation permit requirements section.

Discussion:

In the NOIA, several types of facilities were moved from 64.3(1), which states that operation permits are not required for certain facilities, to 64.4(1), which states that NPDES permits are not required for certain facilities. These facility exemptions were moved because they are from the Federal Code of Regulations, and they apply to NPDES permits, not to state operation permits. The NOIA language indicates that the discharges from the CAFOs are defined in 40 CFR 122.23. The Federal Code of Regulations discusses NPDES permits, thus the exemptions from the federal code belong under the NPDES exemptions, rather than the state operation permit exemptions. The final CAFO exemptions will remain under the NPDES exemptions in the proposed final amendments.

Recommendation:

It is recommended that the EPC adopt the language in subrules 64.3(1) and 64.4(1) as proposed in the NOIA.

ISSUE: Interested Persons Requesting Permit Changes

(Chapter 64)

Comments:

Several comments were received on the provision in 64.3(11) concerning requests from interested persons to amend, revoke and reissue, or terminate permits. These comments are paraphrased below.

1. Is there a good reason or cause for someone on the street to want to revoke a permit?
2. We ask that this language be stricken
3. The words "interested person" are not defined, leaving the term open for interpretation
4. If a citizen has concerns with a permit, they should be voicing those during the public comment period
5. This proposed rule is unduly burdensome for DNR staff as it would force them to formally respond to all requests from interested persons regardless of whether the individual's concerns have merit
6. Cause for changing a permit includes "any change in condition" and this is very ambiguous
7. Permit holders need to know exactly what will lead to the revocation, reissuance, or termination of their permit
8. We request that the involvement of "interested persons" in the process be limited to NPDES permits and not include operation permits

Discussion:

The NOIA language allowing interested persons to request permit changes is from 40 CFR 124.5. This language cannot be removed from the proposed final amendments, as it is required by federal code. The term "interested person" is not defined in federal code; it is very broad intentionally so anyone may request a permit change. The department agrees that this language will increase the workload of NPDES permit writers, but it is a necessary increase. The subparagraph in the NOIA that states cause includes "a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge" is in the current Chapter 64 rules concerning the revocation of permits. This sentence is self-explanatory.

The causes that can lead to a revocation, reissuance, or termination of a permit are clearly noted in the NOIA language and in the cited sections of the Federal Code of Regulations. In addition, no permit will be changed for cause without prior notification of the permittee. The current language in subrule 64.3(11) cites individual operation permits. This language was not changed in the NOIA, and the department intends for the proposed final amendments to apply to both operation and NPDES permits.

Recommendation:

It is recommended that the EPC adopt the language in subrule 64.3(11) as proposed in the NOIA.

ISSUE: New Source Regulations Should Address Trading

(Chapter 64)

Comments:

A few comments were received indicating that the proposed language in 64.3(12)"c" should be clarified to reflect that the use of trading is not precluded in the issuance of a permit to a new source or new discharger.

Discussion:

The NOIA language in 64.3(12)"c" indicates that no permit may be issued to a new source or new discharger if the discharge from its construction or operation will cause or contribute to a violation of water quality standards, and includes language describing certain demonstrations that must be made by a new source or new discharger proposing to discharge to a water segment that does not meet applicable water quality standards. The NOIA language does not reference trading in regards to new sources or new dischargers, as trading is not currently used in Iowa, and trading is not referenced in any other existing or

proposed wastewater rules. If trading becomes a viable option for new sources and new dischargers in Iowa, the language in Chapter 64 can be modified to address trading for new sources or new dischargers.

Recommendation:

It is recommended that the EPC adopt the language in subrule 64.3(12)"c" as proposed in the NOIA.

ISSUE: Permit as a Shield

(Chapter 64)

Comments:

A few comments were received that indicated that subrule 64.4(3) that sets forth the permit as a shield provision should be clarified to reflect that compliance with a permit is also compliance under state law.

Discussion:

The NOIA language states that compliance with a permit is compliance with certain provisions of federal law. The department agrees with the commentors that it is appropriate to modify this language to include a statement that compliance with a permit is also compliance with certain provisions of state law. The proposed final amendments will include a phrase indicating compliance with a permit during its term constitutes compliance with limitations and standards set out in IAC 567 – Chapters 61 and 62.

Recommendation:

It is recommended that the EPC adopt subrule 64.4(3) as modified in the final amendments.

ISSUE: Distribution of Permit Rationales to Permit Applicants

(Chapter 64)

Comments:

One comment was received indicating that according to 40 CFR 124.8, the applicant should receive all permit related documents, including the permit rationale, without request.

Discussion:

The department acknowledges that neither the current or the NOIA rules state that the permit rationale (fact sheet) shall be sent to the applicant; nor do the rules state that the rationale shall not be sent to the applicant. It is not the intent of the department to withhold any permitting information from an applicant. However, the majority of permit applicants have not indicated an interest in receiving the permit rationale. In the interests of decreasing the amount of materials mailed by the department, permit rationales have not regularly been mailed to the applicant. However, all draft permits and permit rationales are available on the department's webpage, so the permit rationales are currently available to all applicants without request.

Recommendation:

It is recommended that the EPC adopt the language on permit rationales as proposed in the NOIA.

ISSUE: Reasonable Potential and Antidegradation

(Chapter 64)

Comments:

One comment was received concerning the proposed new paragraph in 64.7(2)"g" that states "limitations must control all pollutants or pollutant parameters which the director determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any

water quality standard…" The commenter stated that this language described part of the draft antidegradation analysis without using the word "antidegradation", that his rule is vague, and that the inclusion of this paragraph before the finalization of the proposed antidegradation procedure is premature.

Discussion:

This NOIA language is from 40 CFR 122.44(d)(1), and it is intended to describe the use of a reasonable potential analysis of pollutants in the development of effluent limits in NPDES permits. A reasonable potential analysis may be a part of an antidegradation analysis, but the antidegradation analysis focuses on reasonable alternatives to a discharge, not on reasonable potential analyses. There is no reason for the adoption of the NOIA language to be delayed by the proposed antidegradation procedure.

Recommendation:

It is recommended that the EPC adopt the language for 64.7(2)"g" as proposed in the NOIA.

ISSUE: Denial of Permit Reissuance

(Chapter 64)

Comments:

A few comments were received discussing the proposed language on substantial compliance in the section of the rules discussing the reissuance of NPDES permits. The comments are paraphrased below.

1. The definition of substantial compliance proposed for Chapter 64.8(1)b is not appropriate and is much too broad
2. An operation or NPDES permit should not be denied because a facility is not in substantial compliance as the term is proposed to be defined
3. The use of the significant non-compliance language from the federal code of regulations in this section of the rules is inappropriate
4. The substantial compliance determination for controlled discharge lagoons should include an exemption for rainfall events
5. It should not be assumed in the substantial compliance language that a lagoon that has not discharged for more than 24 months is leaking

Discussion:

The current language in 567 IAC Chapter 64 indicates that an applicant must submit information to show that they have substantially complied with the existing NPDES permit before the permit can be reissued. The amendments proposed in the NOIA clarified substantial compliance, because current rule language does not specify what constitutes substantial compliance with permit conditions. The proposed final amendments to Chapter 64 will not include the NOIA language on substantial compliance at this time because the department is considering altering the language concerning permit reissuance. When a final decision is made on how to factor substantial compliance into the permit reissuance process, Chapter 64 will be revisited.

Recommendation:

It is recommended that the EPC adopt the final amendments to Chapter 64 as modified to exclude the substantial compliance provisions.

ISSUE: Rainfall Intensity-Frequency-Duration Curve

(Chapter 64)

Comments:

A comment was received indicating that the proposed Rainfall Intensity-Frequency-Duration Curve at the end of Chapter 64 should be replaced with region specific charts. The commenter indicated that rainfall patterns differ from region to region within the state and the use of a statewide table for design standards will not accurately reflect regional systems, leading to more costly systems than would otherwise be required.

Discussion:

The current Rainfall Intensity-Frequency-Duration Curve at the end of Chapter 64 is illegible. The curve proposed in the NOIA was based on the same data as the current curve, and it is for all purposes identical. The new curve was included in the NOIA simply so a legible version of the curve would be available. At this time, the department does not intend to alter the use of the curve, so there is no reason to replace the curve with region-specific charts.

Recommendation:

It is recommended that the EPC adopt the Rainfall Intensity-Frequency-Duration Curve as proposed in the NOIA.

ISSUE: Comments Regarding the Rulemaking Procedure

Comments:

Several comments were received regarding the rulemaking procedure and the public comment period associated with the NOIA. These comments are paraphrased below.

1. NOIA provided little detail of significance of changes, why the changes are being made, and what the impact will be
2. The regulated community has been left to hire attorneys and engineers to determine the impact of the proposed rule

Discussion:

Before the formal rulemaking process for these proposed amendments began, the department held nine external stakeholder meetings in early spring of 2008 that were open to any interested stakeholders. Notice of these meetings was given on the wastewater listserv and several of the attendees distributed notice of these meetings to their constituents. After the formal rulemaking process began, the department informed the public of the proposed amendments and public hearings on several occasions. A letter containing the anticipated rulemaking schedule and information on where to view the proposed amendments was mailed to all permittees in the state in April of 2008. Eight presentations were given at state and regional wastewater meetings including Iowa Water Pollution Control short courses during the summer and fall of 2008. The informational item, the NOIA, and the public hearing schedule were posted on the DNR website. The proposed amendments and public hearings were discussed in the water quality listserv and the EcoNewsWire sent out by the DNR in September of 2008. The public hearings were also posted on the State of Iowa calendar. An additional stakeholder meeting was held in November of 2008, and the Informal Regulatory Analysis was placed on the DNR website in December 2008. The NOIA and public hearing information were also published in Iowa Administrative Rules Bulletin.

Recommendation:

The NPDES Section will give consideration to these comments and will attempt to further clarify the impacts of any future rule changes.

ISSUE: Comments that do not Directly Pertain to the Proposed Rules

Comments:

Some of the comments received during the public comment period did not directly pertain to the proposed rule changes. These comments are listed below.

1. The requirement for Treatment Agreement (TA) submittal 180 days in advance and 180-day advance notice for industrial user discharge to a treatment facility should be revisited
2. Agricultural storm water discharges (including soil conservation drainage structures) are exempt from Clean Water Act permit requirements and should be specifically exempted from state operating permit requirements
3. Specific references should be added that clarify that 567 IAC Chapter 65 applies to livestock farms and animal feeding operation construction permits and that the proposed requirements for point source discharges do not apply to livestock farms
4. A rule should be added stating that DNR cannot require an operating permit for livestock farms unless it meets the 567 IAC Chapter 67 rules
5. The department should recognize that any precipitation related discharges after land application of manure are considered to be agricultural storm water under section 502 of the Clean Water Act
6. We request clarification of the federal law in the wastewater rules to recognize that activities such as USDA approved conservation practices are not required to obtain NPDES permits
7. Clarification of definitions of water discharges needs to be explained and identified before anything is done regarding "storm water discharge" rules are passed
8. DNR should establish and advisory system to alert treatment facilities and design engineers of any upcoming DNR requirements that could occur in the next five or ten years so systems do not have to be redesigned right after an upgrade
9. If POTWs are getting all of these new monitoring regulations, non-point sources should be too
10. It is unjust and inequitable not to enforce these same monitoring requirements on agriculture and other non-point source discharges
11. All of the new wastewater parameters that are being required are chemicals that are all applied to agricultural areas and urban areas for fertilizer; too bad the DNR can't start addressing some of these issues and stop going for the easy point source entry point

Discussion:

The 180-day advance requirements for TA submittal and notification of industrial user discharge to a treatment facility were included in the current rules to allow the department adequate time to amend an NPDES permit to reflect TA or industrial contributor changes. Permit amendments caused by TA or industrial contributor changes are usually major amendments requiring public notice. In order for a major permit amendment to be finalized before an industry discharges to a treatment facility, the department needs 180-day advance notice. These requirements will not be revisited at this time.

The NOIA language for subrule 64.3(1) states "Except as otherwise provided in this subrule, in 567—Chapter 65, and in 567—Chapter 69, no person shall operate any wastewater disposal system or part thereof without, or contrary to any condition of, an operation permit issued by the director." This section of the NOIA does not require state operation permits for agricultural storm water discharges, as these discharges are not "disposal systems" as defined in the proposed amendments. Not change needs to be made to the proposed final amendments based on comment #3.

Comments #3 and 4 indicate that specific reference to 567 IAC Chapter 65 should be added to the wastewater rules. Subrule 64.3(1) states that "Except as provided otherwise in this subrule and in 567—Chapter 65, no person shall operate any wastewater disposal system or part thereof without, or contrary to any condition of, an operation permit issued by the director…" In addition, 64.18 states "This chapter shall apply to all waste disposal systems treating or intending to treat sewage, industrial waste, or other waste except waste resulting from livestock or poultry operations. All livestock and poultry operations constituting animal feeding operations as defined in 567—Chapter 65 shall be governed by the requirements contained in

Chapter 65." The wastewater rules already contain specific references to Chapter 65; no additional reference is needed at this time.

No definition for the term "agricultural storm water discharge" was proposed in the NOIA. Comment #5 indicated that the department should recognize that certain discharges qualify as agricultural storm water discharges, but as this term is not included in the final amendments, the department will take no action on this suggestion in this rulemaking.

This rulemaking does not address activities such as USDA approved conservation practices. While comment #6 may be a valid request, the final rule will not be changed to incorporate language on approved conservation practices. The wastewater rules may be reopened in the future to address these activities, if necessary.

The NOIA was not intended to significantly alter the departments' storm water regulations, and the term "water discharges" is vague. The NOIA provided several definitions; "water discharges" does not need to be defined in the wastewater rules. Comment #7 does not directly relate to the proposed final amendments.

Some commentors indicated that the department should place new requirements ad restrictions on non-point sources, as they contribute pollutants to state waters. The wastewater section of the department does not establish requirements for non-point source dischargers, and these comments do not directly relate to the proposed final amendments.

Recommendation:

Since these issues are not directly relevant to the proposed rules, no rule modifications are recommended.

APPENDIX:
Commentators

Following is a list of individuals and organizations that commented on the proposed wastewater fees during the public comment period. The commentators are grouped into similar categories and are listed in no particular order.

Government Officials:
Jim McElvogue, Superintendent, City of Ames WPC
Leona Schmitz, Councilwoman, City of Arcadia
Wastewater Superintendent, City of Audubon
Jim Decker, Operator, City of Balltown and City of Sherrill WWTP
Mayor, City of Badger
Chet Claussen, Wastewater Superintendent, City of Bellevue
Lee Miller, City of Bode
Craig Giddings, City Superintendent, City of Burt
Stephen Hershner, Utilities Environmental Manager, City of Cedar Rapids WWTP
Elizabeth Biwer, City Attorney, Clearfield
Richard Sampson, Mayor, City of Colesburg
Wastewater Operator, City of Conesville WWTP
Warren Woods, Mayor & Mike Taylor, City Administrator, City of Creston
Randy Danielson, City Clerk, City of Dayton
Dennis Ryan, Interim Public Works Director, City of Davenport
Wastewater Manager, Denison Municipal Utilities
Chris Chapman, Mayor, City of Derby
William Stowe, Assistant City Manager, City of Des Moines
Larry Hare, Regulatory Compliance Team Leader, Royce Hammitt, & Rebecca Nott, Environmental Specialist, Des Moines Metro WRA
Sandra Holl, City Clerk, City of Dolliver
Gary Coffman, Water/ Wastewater Superintendent, City of Earlham
Sharon Ann Irwin, City Clerk, City of Early
Kelly Haskin, Utility Superintendent, City of Eldora
William Pfister, Mayor, Rhonda Dales, City Clerk, Sarah Schim, Councilwoman, Sara Strong, Councilwoman, & Bob Frieden, Councilman, City of Elgin
Phillip Silker, Mayor, City of Epworth
Superintendent of Public Works, City of Farley
Paul Boock, City Clerk, City of Forest City
Ernie Vieth, City of Grimes
Douglas Melchert, Superintendent, Hopkinton WWTP
Mayor & City Council, City of Humeston
Amiee Hanson & Dave Elias, City of Iowa City WWTP
Jim Chambers, City of Keosauqua
Dick Schrad, City Manager, Knoxville
Steve Rowe, Operator, City of Letts WWTP
Jerry McDonald, Mayor, Kristi Schiebel, City Clerk, & Garnet Small, Councilman, City of Liscomb
Joseph Collins, Wastewater Superintendent, City of Livermore
Jeff Kleinow, City of Luana
Curt Meiner, Superintendent, City of Manchester WWTP
Brian Wagner, City Manager, City of Maquoketa
Maryanne Trudo, Clerk, City of Marquette
Russ Nelson, City of Mediapolis
John Freeland, Mayor, City of Mount Pleasant

Tom Schofield, Councilman, Kathy Goutinger, Councilwoman, Stephanie Alhes, City Clerk & Leonard Mellick, Public Works Superintendent, City of New Albin
Tim Angell, Superintendent, City of New Hampton WWTP
Roger Gries, Assistant Superintendent, City of Onawa WWTP
James Lack, Mayor, City of Orchard
Glenda Rassmussen, City Clerk, & Terry Parker, Wastewater Superintendent, City of Otho
Joseph Helfenberger, City of Ottumwa WWTP
James Weydert, Mayor, City of Peosta
Marcelene Simbro-Woodhouse, Councilwoman, Clifford Vos, Councilman, Lucille Cossel, Councilwoman, Bobbie Mohler, City Clerk, & Galen Modlin, Operator, City of Reasnor
Mayor Madren, Dustin Belgarde, Public Works Director, and City Council, City of Redfield
Stephen Cleary, Mayor, Rickardsville
Connie Gloede, Mayor, City of Ricketts
Steve Miller, Mayor, City of Rinard
Phil Heinlen, Mayor, Kelly Smidt, City Clerk, & John Hepp, Councilman, City of Rockwell City
Gloria Gunderson, Mayor, & Dave Sandvig, Pubic Works Director, City of Rolfe
Pam Virelli, Mayor, City of Royal
Amber Thompson, Councilwoman, City of Sigourney
Michael Klimesh, Mayor & Michael Schrant, Operator, City of Spillville
Kevin Jacobson, City of Story City WWTP
Rachel Cahill, City Manager, City of Stratford
Michael Tripp, Utility Superintendent, City of Treynor
Dale Prebeck, Public Works Director, City of Templeton WWTP
Brad Roth, Mayor, City of Wayland
Rick Hoppe, City of Wall Lake
David Clark, City of West Liberty
Ron Chock, Mayor, & Steven Gunderson, Wastewater Superintendent, City of Woodward

Cities:
City of Sutherland; City of Collins; City of Lamoni; City of Essex; City of North English; City of Harcourt; City of Elkhart; City of Gilbert; City of Centerville; City of Fairbank; City of Marcus; City of Alta; City of Walnut; City of Riceville; City of Melcher-Dallas; City of Farragut; City of Menlo; City of Vincent; City of Woolstock; City of Villisca; City of Malcom; City of Swaledale; City of Shellsburg; City of Camanche; City of Oto; City of Mechanicsville; City of Galva; City of Britt; City of Lovilla; City of Algona; City of Kamrar; City of Alden; City of Primghar; City of Anamosa; City of Massena

Sanitary Sewer Services:
Rhonda Guy
Dennis White, PeopleService
Jade Wilcoxon, General Manager, RWRWA
Kelly Whitacre, Iowa Lakes Regional Water
Kevin Moler, Superintendent, Clear Lake Sanitary District

Consulting Engineers:
Gregory Sindt & E. Robert Baumann, Bolton & Menk

Non-Profit or Trade Organizations:
Christina Gruenhagen, Government Relations Counsel, Iowa Farm Bureau Federation;

Jim Carroll & Mark Reisinger, State Director, USDA Rural Development
Wallace Taylor, Legal Chair, Iowa Chapter Sierra Club
Jessica Harder, Iowa League of Cities
Emily Piper, Iowa Rural Water Association
Monte Shaw, Executive Director, Iowa Renewable Fuels Association

Businesses:
Roger Overton, Operator & Robert H. Wolf, President, Lake Ridge Mobile Home Park;
Mark Eyre, Market Regulatory Manager, Trojan UV;
Douglas Opheim, Environmental Health and Safety Manager, SELC
Michael Freiderick, Systems Operator, Table Mound Park Corporation

Private Citizens:
John Horrell; Jay & Carla Hofland; Barbara Prose; Frank Klahs; Patrick Meade; Randolph Kernen; Paul Alexander; John Fredrickson; Daniel Miers; Steve Woodhouse; Hubert & Virginia Hagemann; Larry Kinsinger; Michael Frame; Bob Watson; Richard Merrill; Brad Fetters; Steven Thompson; Herbert Scott; Jeffery Johnson; Al Schafbuch; Gerri McCurdy; Michael Simpson; Karen Havens